

# HOUSE JOURNAL

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SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTIETH DAY — WEDNESDAY, MAY 10, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 370).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Krusee.

The invocation was offered by Representative Edwards.

The following member was granted leave of absence temporarily for today because of personal business:

Krusee on motion of Talton.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on SB 1:

Sadler on motion of Edwards.

Dear on motion of Edwards.

Hernandez on motion of Edwards.

Williamson on motion of Edwards.

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on SB 1:

Hochberg on motion of Edwards.

**MESSAGE FROM THE SENATE**

Austin, Texas, May 10, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**SB 1683** by Nixon, Drew, et al., relating to the collection, management, and recycling of used oil and used oil filters; providing penalties.

Respectfully,  
Betty King  
Secretary of the Senate

**CAPITOL PHYSICIAN**

Speaker Laney presented Dr. Daniel Voss of Georgetown as the "Doctor for the Day."

The house welcomed Dr. Voss and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

**SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

**HB 356, HB 596, HB 1155, HB 1493, HB 1743, HCR 81, HCR 160, SB 28, SB 771, SB 779, SB 833, SB 927, SB 1125, SB 1126**

(Junell in the chair)

(Krusee now present)

**HR 892 - ADOPTED**

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 892**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Kubiak,

**HR 892**, In memory of Sheriff Leroy Broadus.

The resolution was read and was unanimously adopted by a rising vote.

On motion of Representative Yarbrough, the names of all the members of the house were added to **HR 892** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Kubiak, who introduced the family of Leroy Broadus.

**HR 851 - ADOPTED**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 851**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Gutierrez,

**HR 851**, Congratulating Jimmy Santos on the occasion of his 53rd birthday.

The resolution was adopted without objection.

**HR 864 - ADOPTED**

Representative Park moved to suspend all necessary rules to take up and consider at this time **HR 864**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Park,

**HR 864**, In memory of Chris Maddux.

The resolution was unanimously adopted by a rising vote.

**HR 769 - ADOPTED**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 769**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Davis,

**HR 769**, In memory of Dallas Police Department Senior Corporal David R. Galvan.

The resolution was unanimously adopted by a rising vote.

**HR 813 - ADOPTED**

Representative Davis moved to suspend all necessary rules to take up and consider at this time **HR 813**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Davis,

**HR 813**, Honoring the DeSoto West Junior High School Band.

The resolution was adopted without objection.

**HR 894 - ADOPTED**

Representative Kamel moved to suspend all necessary rules to take up and consider at this time **HR 894**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Kamel,

**HR 894**, Commending the Honorable Byron Tunnell for his distinguished service to the state.

The resolution was adopted without objection.

### **RESOLUTIONS REFERRED TO COMMITTEE**

The following resolutions were laid before the house and referred to committee:

By Black,

**HR 860**, In memory of retired Major Mary Margaret Purcell of Killeen.  
To Committee on Rules and Resolutions.

By Black,

**HR 861**, In memory of Thelma Lee Flemming.  
To Committee on Rules and Resolutions.

By Jackson,

**HR 863**, Honoring William E. Crowder for his contributions as a dedicated civic leader of La Porte.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 865**, In memory of Juana Chavez Jiner.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 866**, In memory of Martha Baeza.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 867**, In memory of Marie Louise Shepperd.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 868**, In memory of Dan Bus.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 869**, In memory of Gloria Cadena Bewley.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 870**, In memory of Julien Fierro, Jr.  
To Committee on Rules and Resolutions.

By Danburg,

**HR 871**, Recognizing May 10, 1995, as Homeowners' Rights Day at the Capitol.

To Committee on Rules and Resolutions.

By Johnson,

**HR 872**, Recognizing May 22, 1995, as Jasper Day at the Capitol.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 873**, Honoring Samuel Eugene Davis on the occasion of his retirement from Sul Ross State University.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 874**, Honoring Deputy Alan Thompson.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 875**, In memory of Eduardo Hartnett.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 876**, Honoring Dr. Earl H. Elam.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 877**, Honoring Mr. and Mrs. Rafael Mendez on their 50th wedding anniversary.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 878**, In memory of Vicente G. Molinar.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 879**, In memory of Carlos Cortes, Sr.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 880**, In memory of Perry E. Brown.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 881**, In memory of Michelle Kay Timmons and her son, Hunter Trey Timmons.  
To Committee on Rules and Resolutions.

To Committee on Rules and Resolutions.

By Gallego,

**HR 882**, Honoring Alpine Lodge No. 766 AF & AM.  
To Committee on Rules and Resolutions.

By Gallego,

**HR 883**, In memory of Henry DeLaO.  
To Committee on Rules and Resolutions.

By Willis,

**HR 885**, Honoring the Lost Battalion Association.  
To Committee on Rules and Resolutions.

By Staples,

**HR 886**, Recognizing May 17, 1995, as Robertson County Peace Officer Memorial Ceremony Day.

To Committee on Rules and Resolutions.

### **SENATE BILLS ON FIRST READING**

The following senate bills were today laid before the house, read first time, and referred to committees:

**SB 317** to Committee on State Affairs.

**SB 411** to Committee on State Affairs.

**SB 1514** to Committee on Insurance.

**SB 1525** to Committee on Land and Resource Management.

**SB 1663** to Committee on Natural Resources.

**SB 1693** to Committee on Natural Resources.

### **RESOLUTIONS REFERRED TO COMMITTEE**

The following resolutions were laid before the house and referred to committee:

**SCR 139**, Honoring Major General William Edgar Murphy and naming the Texas Army National Guard/Reserve Center in Lubbock the William Edgar Murphy Guard/Reserve Center.

To Committee on Rules and Resolutions.

**SCR 145**, Designating May 9, 1995, as Texas Clinical Nutrition Day.

To Committee on Rules and Resolutions.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Friday, May 12.

The motion prevailed without objection.

(Speaker in the chair)

### **MESSAGE FROM THE SENATE**

Austin, Texas, May 10, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HCR 71** by Danburg, et al., commending United States Representative Michael A. Andrews for his service to the Congress of the United States.

**HB 2732** by Brimer (Sponsor-Harris, Chris), relating to the timely filing of alcoholic beverage permits, the activities authorized for the holder of an agent's permit, the storage of certain alcoholic beverage records, and shipment of alcoholic beverages into the state (amended).

### **Local and Uncontested Bills**

**HB 436** by Brimer (Sponsor-Harris, Chris), relating to the creation of municipal courts of record in Kennedale.

**HB 437** by Brimer and Wohlgemuth, et al. (Sponsor-Harris, Chris), relating to the creation of municipal courts of record in Burleson.

**HB 438** by Brimer, et al. (Sponsor-Harris, Chris), relating to the creation of municipal courts of record in Mansfield.

**HB 997** by Cuellar, Henry, Berlanga, Maxey, and Coleman (Sponsor-Zaffirini), relating to health insurance coverage for children who are ineligible for Medicaid or who do not have access to private health insurance.

**HB 1187** by Pickett, et al. (Sponsor-Rosson), relating to the dissolution of the El Paso County Water Control and Improvement District—Westway, the provision of water supply and sewer services to the residents of the district after dissolution, and the rates charged for water and sewer service by the City of El Paso; validating certain actions of the district's board of directors.

**HB 1242** by Brimer (Sponsor-Harris, Chris), relating to the creation of municipal courts of record in Crowley.

**HB 1506** by Van de Putte (Sponsor-Madla), relating to the authority of the Texas State Board of Pharmacy to impose administrative penalties.

**HB 1507** by Van de Putte (Sponsor-Madla), relating to the authority of the Texas State Board of Pharmacy to authorize certain pilot or demonstration projects.

**HB 1523** by Hawley (Sponsor-Zaffirini), relating to the application of the professional prosecutors law to the district attorney for the 156th Judicial District.

**HB 1754** by Crabb (Sponsor-Henderson), relating to the authority to grant a waiver of the 72-hour waiting period for issuance of a marriage license.

**HB 2015** by Talton (Sponsor-Patterson, Jerry), relating to statutory changes to obtain delegation to Texas of the National Pollutant Discharge Elimination System (committee substitute).

**HB 2096** by Thompson (Sponsor-Henderson), relating to the appointment of a special judge to preside in a justice court in Harris County.

**HB 2265** by Hilbert (Sponsor-Henderson), relating to the judgments, fines, forfeitures, penalties, and criminal justice fees collected by certain local officers and departments (committee substitute).

**HB 2642** by Counts (Sponsor-Montford), relating to the administration, powers, duties, operation, and financing of the Canadian River Municipal Water Authority.

**HB 2725** by Hirschi (Sponsor-Haywood), relating to the reimbursement to Wichita County for use of its criminal district attorneys office and prosecutors for prosecuting out-of-county mental health matters.

**HB 2998** by Oakley (Sponsor-Cain), relating to the composition of the Kaufman County Juvenile Board.

**HB 3134** by Chisum (Sponsor-Bivins), relating to the operation of the Hutchinson County Hospital District.

**HB 3166** by Craddick (Sponsor-Bivins), relating to contracts between the Midland County Hospital District and a state agency or medical school.

**SCR 130** by Henderson, directing the Supreme Court of Texas to adopt certain rules relating to attorney advertising.

**SB 569** by Moncrief, relating to the provision of hospice services to inmates and defendants confined in facilities operated by the Texas Department of Criminal Justice.

**SB 585** by West, Royce, relating to assistance by certain public institutions of higher education relating to admissions, financial aid, and testing.

**SB 631** by Ellis, relating to the duties of housing finance corporations.

**SB 751** by Patterson, Jerry, relating to the qualifications of a member of the board of directors of an appraisal district.

**SB 994** by Luna, Gregory, relating to registration and operation of motorcycles, motor-driven cycles, and mopeds.

**SB 1058** by West, Royce, relating to the authority of the Texas Department of Transportation to procure certain services by competitive sealed proposal.

**SB 1076** by Sims and Armbrister, relating to the powers of the Lower Colorado River Authority in Lampasas County.

**SB 1306** by Lucio, relating to notice of service by the secretary of state to certain nonresidents.

**SB 1337** by Moncrief, et al., relating to policies and procedures of the Commission on Law Enforcement Officer Standards and Education, including the appointing and licensing of officers and continuing education training requirements; providing a penalty.

**SB 1435** by Sibley, relating to joint ownership of a motor vehicle by spouses with rights of survivorship.

**SB 1528** by Ellis, relating to the establishment of the school-to-work component of the state's workforce development system and to the creation of the Texas Skill Standards Board.

**SB 1549** by Ellis, relating to the issuance of revenue obligations by junior college districts or regional college districts.

**SB 1567** by Ellis, relating to the statute of limitations applicable to real property sold for taxes.

**SB 1685** by Sibley, relating to the detection and prevention of prostate cancer.

**SB 1695** by Nelson, relating to emergency management.

Respectfully,  
Betty King  
Secretary of the Senate

(Speaker pro tempore in the chair)

#### **HB 2341 - WITH SENATE AMENDMENT**

Representative Ramsay called up with a senate amendment for consideration at this time,

**HB 2341**, A bill to be entitled An Act relating to research for the control of fire ants.



On motion of Representative Ramsay, the house concurred in the senate amendment to **HB 2341** by (Record 371): 136 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Nay — Longoria.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Alvarado; Moffat; Ogden; Reyna; Solis; Thompson; Wilson.

### **HB 2341 - TEXT OF SENATE AMENDMENT**

#### **Senate Amendment No. 1**

In Section 1 of the bill, subsection "b", strike the numeral "10" and substitute in lieu thereof the numeral "12".

In Section 1 of the bill, subsection "b", at the end of subparagraph "10", after the word "board", insert the following: "and

(11) one representative of the chemical industry appointed by the Texas Chemical Counsel; and

(12) one representative of the oil and gas industry appointed by the Texas Mid-Continent Oil and Gas Association

### **HJR 50 - WITH SENATE AMENDMENTS**

Representative Duncan called up with senate amendments for consideration at this time,

**HJR 50**, A joint resolution proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

Representative Duncan moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on the resolution.

The motion prevailed without objection.

### **HJR 50 - APPOINTMENT OF CONFERENCE COMMITTEE**

The speaker announced the appointment of the following conference committee, on the part of the house, on **HJR 50**: Hernandez, chair, Chisum, Romo, Elkins, and Gutierrez.

### **CSHB 2261 ON SECOND READING**

The chair laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 2261**.

**CSHB 2261**, A bill to be entitled An Act relating to the authority of political subdivisions to contract with the Department of Public Safety to assist in the enforcement of outstanding warrants of arrest for the failure to appear for certain traffic offenses, and authorizing the department to contract with a private vendor to facilitate such contracts.

**CSHB 2261** was read second time on May 8, and was postponed until 10 a.m. today.

Representative Conley moved to postpone consideration of **CSHB 2261** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

### **HB 1988 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1988**, A bill to be entitled An Act relating to the insurance rates and policy forms for certain lines of insurance and to certain administrative hearings conducted regarding those rates.

A record vote was requested.

The bill was read third time and was passed by (Record 372): 129 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culbertson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Luna; Madden; Marchant; McCall; McCoulskey; McDonald; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nay — Longoria.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Eiland; Elkins; Harris; Howard; Hudson; Janek; Lewis, G.; Maxey; Moffat; Moreno; Ogden; Price; Rangel; Seidlits.

### **HB 1243 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1243**, A bill to be entitled An Act relating to financial solvency requirements for certain insurers and health maintenance organizations.

The bill was read third time and was passed.

### **HB 1385 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1385**, A bill to be entitled An Act relating to the limitation and termination of annual cost recovery fees for regional water quality assessments.

A record vote was requested.

The bill was read third time and was passed by (Record 373): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker; Cuellar, R.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Gallego; Harris; Howard; Hudson; Longoria; Moffat; Ogden; Price; Puente.

**STATEMENT OF VOTE**

When Record No. 373 was taken, I was in the house but away from my desk. I would have voted yes.

Gallego

**HB 2758 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2758**, A bill to be entitled An Act relating to the provision of municipal services in an annexed area.

A record vote was requested.

The bill was read third time and was passed by (Record 374): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Delisi; Harris; Hudson; Longoria; Marchant; Ogden; Price.

**HB 2766 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2766**, A bill to be entitled An Act relating to providing fairness and choice to patient and providers under managed care health benefit plans; providing penalties.

The bill was read third time.

Representative Smithee moved to postpone consideration of **HB 2766** until 4 p.m. today.

The motion prevailed without objection.

**HB 2890 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2890**, A bill to be entitled An Act relating to changing certain dates in law related to the management of the Edwards Aquifer.

A record vote was requested.

The bill was read third time and was passed by (Record 375): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Present, not voting — Mr. Speaker; Conley.

Absent, Excused, Committee Meeting — Dear; Hernandez; Hochberg; Sadler; Williamson.

Absent — Brady; Carter; Crabb; Hudson; Ogden; Price.

**HB 3189 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 3189**, A bill to be entitled An Act relating to the board of directors of the Edwards Aquifer Authority and the management of the Edwards Aquifer.

The bill was read third time and was passed. (Conley recorded voting no)

**HB 3235 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 3235**, A bill to be entitled An Act relating to the creation of a judicial district composed of Polk, Trinity, and San Jacinto counties and to the composition of the 9th Judicial District and the Second 9th Judicial District.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alonzo, Representative Hightower offered the following committee amendment to the bill:

Amend **HB 3235** on page 3 by striking lines 10 through 12 and substituting the following:

Sec. 24.553. 408TH JUDICIAL DISTRICT (POLK, SAN JACINTO, AND TRINITY COUNTIES). (a) The 408th Judicial District is composed of Polk, San Jacinto, and Trinity Counties.

(b) A judge of the 408th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Alexander offered the following amendment to the bill:

Amend **HB 3235** by adding a new SECTION 5 and SECTION 6 to read as follows:

SECTION 5. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.537 to read as follows:

Sec. 24.537. 392ND JUDICIAL DISTRICT (HENDERSON COUNTY). The 392nd Judicial District is composed of Henderson County.

SECTION 6. The 392nd Judicial District is created, and this Act takes effect, September 1, 1995.

Renumber the remaining sections accordingly.

Amendment No. 2 was adopted without objection.

**HB 3235**, as amended, was passed to engrossment. (Dutton recorded voting no)

**HB 142 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 142**.

**CSHB 142**, A bill to be entitled An Act relating to the identification and legislative review of unfunded mandates on political subdivisions.

**CSHB 142** was read second time.

**Amendment No. 1**

Representative H. Cuellar offered the following amendment to **CSHB 142**:

Amend **CSHB 142** on page 2, line 1 by striking "compensation" and substituting "additional compensation for service on the work group"

Amendment No. 1 was adopted without objection.

**CSHB 142**, as amended, was passed to engrossment.

**HB 3049 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3049**.

**CSHB 3049**, A bill to be entitled An Act making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated by this Act and requiring approval of the claims in the manner specified in this Act before payment is made.

**CSHB 3049** was read second time.

**Amendment No. 1**

Representative Junell offered the following amendment to **CSHB 3049**:

Amend **CSHB 3049** as follows:

- (1) On page 5, line 22, strike "\$64,668.00" and substitute "\$64,446.00".
- (2) On page 6, line 8, strike "\$370,126.71" and substitute "\$357,000.00".
- (3) On page 16, line 10, strike "\$42,264.83" and substitute "\$42,136.32".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Junell offered the following amendment to **CSHB 3049**:

Amend **CSHB 3049**, in SECTION 2 of the bill, on page 7, between lines 1 and 2, by inserting the following:

To pay the City of Grand Prairie for unpaid streetlight maintenance charges. \$104,829.58

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Junell offered the following amendment to **CSHB 3049**:

Amend **CSHB 3049**, in SECTION 1 of the bill, on page 6, between lines 8 and 9, by inserting the following:

To pay Tarleton State University as reimbursement for payment of a settlement in the case of Randy Rosiere v. Barry Thompson et al. \$200,000.00

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Junell offered the following amendment to **CSHB 3049**:

Amend **CSHB 3049** on page 16, between lines 6 and 7, by inserting the following:

"Acceptance of this amount by George Green constitutes a complete release by George Green of all claims and causes of action George Green may have against the State of Texas arising from the case of George Green v. Department of Human Services."

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Combs offered the following amendment to **CSHB 3049**:

Amend **CSHB 3049**, in SECTION 13 of the bill, by striking the appropriation to George Green (committee printing, page \_\_, lines \_\_ through \_\_) and substituting the following:

To pay George Green according to the terms of a judgment in the case of *George Green v. Texas Department of Human Services*, Cause No. 480,701 in the District Court of Travis County, 53rd Judicial District, plus 10 percent interest per annum from October 10, 1991, until paid, to be computed by the comptroller.

\$13,769,078.00

Representative Junell moved to table Amendment No. 5.

The motion to table prevailed.

**CSHB 3049**, as amended, was passed to engrossment.

### MESSAGE FROM THE SENATE

Austin, Texas, May 10, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 770** by Viva Voce Vote; and **SB 1236** by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on **HB 686**.

The following have been appointed on the part of the Senate: Senator Barrientos, Chair, Senator Zaffirini, Senator Ellis, Senator Bivins, and Senator Turner.

Respectfully,  
Betty King  
Secretary of the Senate

### HB 757 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment,

**HB 757**, A bill to be entitled An Act relating to the creation of a judicial district composed of Starr County.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alonzo, Representative Rangel offered the following committee amendment to the bill:

Amend **HB 757** on page 1 by striking lines 7 and 8 and substituting the following:

Sec. 24.538. 393RD JUDICIAL DISTRICT (STARR COUNTY). (a) The 393rd Judicial District is composed of Starr County.



(b) A judge of the 393rd Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Amendment No. 1 was adopted without objection.

**HB 757**, as amended, was passed to engrossment.

### **HB 273 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 273**, A bill to be entitled An Act relating to the creation of a judicial district composed of Ellis County.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alonzo, Representative Pitts offered the following committee amendment to the bill:

Amend **HB 273** on page 1 by striking lines 7 and 8 and substituting the following:

Sec. 24.523. 378TH JUDICIAL DISTRICT (ELLIS COUNTY). (a) The 378th Judicial District is composed of Ellis County.

(b) A judge of the 378th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Amendment No. 1 was adopted without objection.

**HB 273**, as amended, was passed to engrossment.

### **HB 2801 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 2801**, A bill to be entitled An Act relating to the creation of an additional judicial district in Rockwall County and to the composition of the 354th judicial district.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alonzo, Representative Oakley offered the following committee amendment to the bill:

Amend **HB 2801** on page 1 by striking lines 16 and 17 and substituting the following:

Sec. 24.551. 406TH JUDICIAL DISTRICT (ROCKWALL COUNTY). (a) The 406th Judicial District is composed of Rockwall County.

(b) A judge of the 406th Judicial District may not be assigned under Chapter 74 to serve as a visiting judge in Bexar, Dallas, Ector, Fort Bend, Harris, Jefferson, Lubbock, Midland, Tarrant, or Travis County.

Amendment No. 1 was adopted without objection.

**HB 2801**, as amended, was passed to engrossment.

(Speaker in the chair)

### **HB 1697 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1697**.

**CSHB 1697**, A bill to be entitled An Act relating to providing information to students applying for guaranteed student loans relating to the graduation, placement, and student loan default rates for certain postsecondary educational institutions.

**CSHB 1697** was read second time.

#### **Amendment No. 1**

Representative Maxey offered the following amendment to **CSHB 1697**:

Amend **CSHB 1697** on page 2, between lines 22 and 23, by inserting the following:

(e) The board shall include in the materials distributed under Subsection (c) information warning the student of the possible consequences of defaulting on repayment of the student loan. The board shall prescribe the form and content of the warning. The warning must include information relating to the following items, with any additions or changes prescribed by the board to ensure that the information is clear and accurate:

(1) that the student may be sued for the entire unpaid amount of the delinquent loan, including interest;

(2) that the student may become liable for costs associated with collecting the delinquent loan, including attorney's fees and court costs;

(3) that the wages or salary of the student may be subject to withholding to enforce repayment of the delinquent loan and to recover related collection costs;

(4) that the student may become ineligible to receive guaranteed student loans or other student financial aid until the student has made satisfactory arrangements for repayment of the delinquent loan;

(5) that the student may become ineligible for assistance under most federal benefits programs;

(6) that the student may become ineligible for future student deferments of the loan or for federal interest benefits when enrolled in a college or university after default; and

(7) that the student may become ineligible to obtain or renew a professional or occupational license.

Amendment No. 1 was adopted without objection.

**CSHB 1697**, as amended, was passed to engrossment.

### **HB 2490 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2490**.

**CSHB 2490**, A bill to be entitled An Act relating to state agency loan and loan guarantee programs and the creation, administration, and operation of the Texas Development Bank to administer state agency loan and loan guarantee programs and to engage in capital formation initiatives to further the state's economic and community development goals of job creation and retention.

**CSHB 2490** was read second time.

**Amendment No. 1**

Representative Patterson offered the following amendment to **CSHB 2490**:

Amend **CSHB 2490** by striking all below the enacting clause and substituting the following:

**SECTION 1. CERTAIN LOAN PROGRAM AUDITS.** (a) The comptroller of public accounts, in conjunction with the state auditor and the Banking Department of Texas, shall audit each state agency or part of a state agency that provides loans, loan guarantees, or other capital enhancing programs to determine the:

- (1) personnel costs and other administrative costs associated with the program;
- (2) cost versus benefit of the program;
- (3) loan expertise of management in the agency administering the program;
- (4) adequacy of program delivery systems;
- (5) privatization potential of loan systems;
- (6) underwriting standards used for the program;
- (7) geographical distribution of loans in the program;
- (8) degree of participation with financial institutions and other lender organizations;
- (9) demographic distribution of loan recipients;
- (10) default and past due rates of loans in the program; and
- (11) disposition of loan proceeds.

(b) The state auditor may bill an affected agency for reimbursement of the costs of services for the audit required by this section.

(c) The audit required by this section shall be completed not later than August 1, 1996.

(d) The comptroller of public accounts, in conjunction with the state auditor and with the review of the Legislative Audit Committee, shall determine the scope and level of the audit under this section.

(e) The audit records are subject to the open records law, Chapter 552, Government Code, as provided by other law, except that the financial records of an applicant or borrower are not a public record.

(f) The comptroller of public accounts shall report the results of the audit performed under this section to the governor, lieutenant governor, and speaker of the house of representatives.

**SECTION 2.** This Act takes effect September 1, 1995.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**Amendment No. 2**

Representative Patterson offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Patterson to **CSHB 2490** by striking the semi-colon on page 1, line 7 and striking lines 8 through 22 and inserting the following:

"feasibility of combining the administration of some or all of the programs. The review shall consider the efficiency, effectiveness, cost and customer service of the current programs and the potential for improvement under a consolidated administration."

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

**CSHB 2490**, as amended, was passed to engrossment.

**HB 3226 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 3226**.

**CSHB 3226**, A bill to be entitled An Act relating to protection of coastal resources.

**CSHB 3226** was read second time.

Representative Berlanga moved to postpone consideration of **CSHB 3226** until 3 p.m. today.

The motion prevailed without objection.

**HB 1622 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1622**, A bill to be entitled An Act relating to the exemption of a residence homestead from ad valorem taxation by a school district.

The bill was read second time and was passed to engrossment.

**HB 2418 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2418**.

**CSHB 2418**, A bill to be entitled An Act relating to bail, the forfeiture of bail, and the licensing and regulation of bail bondsmen.

**CSHB 2418** was read second time.

(Craddick in the chair)

(Speaker in the chair)

**Amendment No. 1**

Representative Marchant offered the following amendment to **CSHB 2418**:

Amend **CSHB 2418** by inserting a new Section \_\_\_\_ to read as follows:

SECTION \_\_\_\_ . Chapter 17, Code of Criminal Procedure, is amended by adding the Section 17.425 to read as follows:

Art. 17.425 BOND APPROVAL FEE. (a) Except as provided by Subsection (b), a person released on bond following an arrest for a misdemeanor or a felony shall pay \$25 for the services of a peace officer for taking and approving a bond and, if necessary returning the bond to the courthouse.

(b) Subsection (a) does not apply to a defendant released on personal bond or released on bond after being charged with a violation of a traffic law punishable by fine only.

(c) An officer collecting a fee under this article shall pay the fee to the custodian of the county treasury, who shall deposit the fee in a fund in the county treasury. The commissioners court may use money in the fund to pay claims against the county resulting from litigation concerning the collection of bail bonds or other criminal justice approval fees or, if claims against the county do not exist or all claims have been satisfied, to pay costs for the administration of justice in the county.

SECTION \_\_\_\_ . Article 102.011(a), Code of Criminal Procedure, is amended to read as follows:

(a) A defendant convicted of a felony or a misdemeanor shall pay the following fees for services performed in the case by a peace officer:

(1) \$5 for issuing a written notice to appear in court following the defendant's violation of a traffic law, municipal ordinance, or penal law of this state, or for making an arrest without a warrant;

(2) \$35 for executing or processing an issued arrest warrant or capias, with the fee imposed for the services of:

(A) The law enforcement agency that executed the arrest warrant or capias, if the agency requests of the court, not later than the 15th day after the date of the execution of the arrest warrant or capias, the imposition of the fee on conviction; or

(B) the law enforcement agency that processed the arrest warrant or capias, if the executing law enforcement agency failed to request the fee within the period required by Paragraph (A) of this subdivision;

(3) \$5 for summoning a witness;

(4) \$35 for serving a writ not otherwise listed in this article;

(5) ~~[\$10 for taking and approving a bond and, if necessary, returning the bond to the courthouse;]~~

[6] \$5 for summoning a jury, if a jury is summoned; and

[7] ~~[(8)]~~ \$8 for each day's attendance of a prisoner in a habeas corpus case if the prison has been remanded to custody or held to bail.

SECTION \_\_\_\_ . (a) The change in law made by this Act applies only to the release on bond of a defendant arrested for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) A defendant arrested for an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Representative Place moved to table Amendment No. 1.

The motion to table prevailed.

**CSHB 2418** was passed to engrossment.

### **HB 1305 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1305**.

**CSHB 1305**, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce; creating a criminal offense; providing a criminal penalty.

**CSHB 1305** was read second time.

#### **Amendment No. 1**

Representative Gray offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** on page 14, between lines 21 and 22, by adding the following:

(g) The commission, in adopting rules and in the supervision and conduct of racing, shall consider the effect of a proposed commission action on the state's agricultural, horse breeding, horse training, greyhound breeding, and greyhound training industry.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Gray offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** on page 29, line 8, between "for" and "any", by inserting the following: "any funds distributed to or used by or any function or service provided by the expenditure of any funds distributed to or used by".

Amendment No. 2 was adopted without objection.

#### **Amendment No. 3**

Representative Gray offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** on page 46, line 18, by striking "state jail felony" and substituting "felony of the third degree".

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representatives Gray and Solis offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** by adding the following appropriately numbered section and renumbering the remaining sections of the bill appropriately:

SECTION\_\_\_\_. Section 6.06, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by adding Subsection (i) to read as follows:

(i) Subsections (a)(12), (c), and (d) of this section do not apply to an

applicant for or the holder of a racetrack license if the applicant, the license holder, or the license holder's parent company is a publicly traded company and the license applied for or held is for the operation of a racetrack facility that is within 100 miles of the border of the United Mexican States.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Kubiak offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 6.08(l), Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended to read as follows:

(l) An association may not make a deduction or withhold any percentage of a purse from the account into which the purse paid to a horse owner is deposited for membership payments, dues, assessments, or any other payments to any [an] organization except an organization of the horse owner's choice recognized by the commission as an official representative of the horsemen licensed by the commission.

(2) Renumber the remaining sections of the bill appropriately.

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Kubiak offered the following amendment to **CSHB 1305**:

Amend **CSHB 1305** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 3.09, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The commission shall deposit the money it collects under this Act in the State Treasury to the credit of a special fund to be known as the Texas Racing Commission fund. The Texas Racing Commission fund may be appropriated only for the administration and enforcement of this Act. Any unappropriated money remaining in that special fund at the close of each fiscal biennium shall be transferred to the General Revenue Fund and may be appropriated for any legal purpose. The legislature may also appropriate money from the General Revenue Fund for the administration and enforcement of this Act.

(c) Any amount of general revenue appropriated for the administration and enforcement of this Act in excess of the cumulative amount deposited in the Texas Racing Commission fund shall be reimbursed from the Texas Racing Commission fund. The rate of interest on any appropriated amount the commission is required to repay to the General Revenue Fund is [not later than one year after the date on which the general revenue funds are appropriated, with 12 percent interest per year until August 31, 1993, and] 6-3/4 percent interest per year [thereafter] with all payments first attributable to interest. The commission shall, each year, repay to the General Revenue Fund an amount designated in the appropriations act covering the year the repayment is to be

made. The comptroller shall, each year, credit to the repayment to the General Revenue Fund an amount equal to 20 percent of the state tax revenue generated by horse or greyhound racing during the previous year. This credit may be combined with any other repayment to comply with the requirements of this subsection.

(2) Renumber the remaining sections of the bill appropriately.

Amendment No. 6 was adopted without objection.

**CSHB 1305**, as amended, was passed to engrossment. (Heflin recorded voting no)

### **HB 2323 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2323**, A bill to be entitled An Act relating to sunseting the involvement of the attorney general's office in matters related to child support.

The bill was read second time.

Representative Clemons moved to lay **HB 2323** on the table subject to call.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Rules and Resolutions, on recess today, Desk 133, to consider the calendar.

Business and Industry, on recess today, Desk 30, to consider senate bills.

Criminal Jurisprudence, on recess today, speakers committee room.

County Affairs, on recess today, Desk 4.

### **RECESS**

Representative Craddick moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:21 p.m., recessed until 2 p.m. today.

### **AFTERNOON SESSION**

The house met at 2 p.m. and was called to order by the speaker.

(D. Jones in the chair)

### **HR 896 - ADOPTED**

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 896**.

The motion prevailed without objection.

The chair laid before the house the following resolution:



By B. Turner and West,

**HR 896**, Honoring Mr. and Mrs. O. R. Lawlis.

The resolution was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 896** as signers thereof.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on HB 1:

Coleman on motion of Harris.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on HB 1:

Gallego on motion of Harris.

Ogden on motion of Harris.

Junell on motion of Harris.

(Speaker in the chair)

### **HR 871 - ADOPTED**

Representative Danburg moved to suspend all necessary rules to take up and consider at this time **HR 871**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Danburg,

**HR 871**, Recognizing May 10, 1995, as Homeowners' Rights Day at the Capitol.

The resolution was adopted without objection.

### **HR 585 - ADOPTED**

Representative Harris moved to suspend all necessary rules to take up and consider at this time **HR 585**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Harris,

**HR 585**, In memory of Houston police officer Guy P. Gaddis.

The resolution was unanimously adopted by a rising vote.

### **HR 895 - ADOPTED**

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 895**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Berlanga,

**HR 895**, Commending the Gulf Coast Conservation Association.

The resolution was adopted without objection.

**SCR 139 - ADOPTED**  
**(Duncan - House Sponsor)**

Representative Duncan moved to suspend all necessary rules to take up and consider at this time **SCR 139**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**SCR 139**, Honoring Major General William Edgar Murphy and naming the Texas Army National Guard/Reserve Center in Lubbock the William Edgar Murphy Guard/Reserve Center.

The resolution was adopted without objection.

**HJR 106 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HJR 106**.

**CSHJR 106**, A joint resolution proposing a constitutional amendment to extinguish a taxpayer's liability for delinquent ad valorem taxes following a tax sale.

A record vote was requested.

**CSHJR 106** was read second time and was adopted by (Record 376): 114 Yeas, 18 Nays, 4 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delisi; Denny; Driver; Duncan; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wohlgemuth; Wolens; Yarbrough; Yost; Zbranek.

Nays — Alonzo; Bailey; Conley; Davila; Davis; Dukes; Dutton; Farrar; Hirschi; Jones, J.; Longoria; Luna; Pickett; Puente; Thompson; Tillery; Turner, S.; Wilson.

Present, not voting — Mr. Speaker(C); Danburg; Gray; Greenberg.

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Hudson; Lewis, R.; Price; Solis; Woolley.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 376. I intended to vote no.

King

### HJR 14 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 14**, A joint resolution proposing a constitutional amendment requiring consent for use of and compensation for damages to private property and releasing property owners from liability to persons using property without consent.

The resolution was read second time.

#### Amendment No. 1

Representative B. Turner offered the following amendment to the resolution:

Amend **HJR 14** in the ballot proposition language on page 1, beginning on line 18 (committee printing) by striking everything after "the proposition:" and substituting the following:

"The constitutional amendment establishing that a person who uses an owner's private property without the owner's consent is liable for any resulting damages to the owner, and that a private property owner is not liable for damages to a person who uses the owner's private property without the owner's consent."

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HJR 14**, as amended, was adopted by (Record 377): 100 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; De La Garza; Delisi; Denny; Driver; Duncan; Edwards; Elkins; Finnell; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzhauser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Romo; Rusling; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wohlgemuth; Wolens; Yost.

Nays — Alonzo; Bailey; Conley; Danburg; Davila; Davis; Dukes; Dutton; Ehrhardt; Eiland; Farrar; Giddings; Gray; Greenberg; Hirschi; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McDonald; Munoz; Naishtat; Pickett; Puente; Serna; Solis; Thompson; Tillery; Turner, S.; Wilson; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Alvarado; Hudson; Marchant; Moreno; Price; Rodriguez; Woolley.

### STATEMENT OF VOTE

When Record No. 377 was taken, I was temporarily out of the house chamber. I would have voted yes.

Rodriguez

### HJR 80 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 80**, A joint resolution proposing a constitutional amendment to abolish the office of constable in Mills County.

The resolution was read second time.

Representative Black moved to postpone consideration of **HJR 80** until the end of the constitutional amendments calendar.

The motion prevailed without objection.

### HJR 30 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 30**, A joint resolution proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue mineral patents for certain university fund land held in good faith under color of title for at least 50 years.

A record vote was requested.

The resolution was read second time and was adopted by (Record 378): 125 Yeas, 5 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Delisi; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey;

McDonald; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Nays — Dukes; Dutton; Farrar; Lewis, G.; Shields.

Present, not voting — Mr. Speaker(C); Counts; Finnell.

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Alvarado; Edwards; Hudson; Longoria; Moreno; Price; Smithee; Wohlgemuth.

### **HJR 107 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HJR 107**.

**CSHJR 107**, A joint resolution proposing a constitutional amendment relating to the exemption from ad valorem taxation by certain taxing units of certain tangible personal property held at a location for not more than a specified period.

**CSHJR 107** was read second time.

Representative Rusling moved to postpone consideration of **CSHJR 107** until 5 p.m. today.

The motion prevailed without objection.

### **HJR 131 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 131**, A joint resolution proposing a constitutional amendment providing for the constructive election of an unopposed candidate to a municipal office.

A record vote was requested.

The resolution was read second time and was adopted by (Record 379): 103 Yeas, 27 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berlanga; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; Davis; Delisi; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; McCoulskey; Moffat; Mowery; Munoz; Nixon; Oakley; Oliveira; Park; Patterson; Pitts; Place; Ramsay; Rangel; Raymond; Reyna; Rhodes; Romo; Rusling; Saunders; Siebert; Smithee;

Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Walker; West; Willis; Wilson; Wolens; Woolley; Yost; Zbranek.

Nays — Alonzo; Alvarado; Bailey; Bosse; Conley; Cuellar, R.; Davila; De La Garza; Dukes; Dutton; Farrar; Finnell; Gray; Lewis, G.; Longoria; Luna; Maxey; McDonald; Naishtat; Pickett; Puente; Rabuck; Serna; Shields; Solis; Turner, S.; Van de Putte.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Edwards; Giddings; Hudson; Marchant; Moreno; Price; Rodriguez; Seidlits; Wohlgemuth; Yarbrough.

### STATEMENT OF VOTE

When Record No. 379 was taken, I was temporarily out of the house chamber. I would have voted yes.

Rodriguez

### HJR 68 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 68.** A joint resolution proposing a constitutional amendment to raise the limits of the exemption from ad valorem taxation of property owned by disabled veterans or by the surviving spouses and surviving minor children of disabled veterans.

The resolution was read second time.

Representative Haggerty moved to postpone consideration of **HJR 68** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

### HJR 69 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 69.** A joint resolution proposing a constitutional amendment to allow peace officers to serve as notaries public.

A record vote was requested.

The resolution was read second time and was adopted by (Record 380): 101 Yeas, 26 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Craddick; Cuellar, H.; Culberson; Davis; Delisi; Denny; Driver; Duncan; Ehrhardt; Finnell; Glaze; Goodman; Goolsby; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Hightower; Hilbert; Hilderbran; Hill; Hirschi;

Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Kubiak; Kuempel; Lewis, G.; Luna; Madden; McCall; McCoulskey; Moffat; Mowery; Munoz; Naishtat; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Telford; Torres; Turner, B.; Uher; Walker; West; Willis; Wohlgemuth; Wolens; Yost; Zbrank.

Nays — Alonzo; Conley; Crabb; Cuellar, R.; Davila; De La Garza; Dukes; Dutton; Edwards; Eiland; Elkins; Farrar; Gray; Heflin; Longoria; Maxey; McDonald; Puente; Serna; Solis; Talton; Thompson; Tillery; Turner, S.; Van de Putte; Wilson.

Present, not voting — Mr. Speaker(C); Giddings; Greenberg.

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Alvarado; Danburg; Hudson; Krusee; Lewis, R.; Marchant; Moreno; Nixon; Price; Woolley; Yarbrough.

### **HJR 75 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 75**, A joint resolution proposing a constitutional amendment to authorize the voters of a school district to adopt or determine the amount of a residence homestead exemption from ad valorem taxation by the district.

A record vote was requested.

The resolution was read second time and was adopted by (Record 381): 106 Yeas, 23 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; De La Garza; Delisi; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Romo; Rusling; Saunders; Seidlits; Shields; Siebert; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Walker; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbrank.

Nays — Alonzo; Conley; Cuellar, R.; Davila; Davis; Dukes; Dutton; Edwards; Farrar; Gray; Hirschi; Jones, J.; Longoria; Luna; McDonald; Moreno; Pickett; Puente; Rangel; Serna; Thompson; Van de Putte; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Alvarado; Giddings; Hudson; Maxey; Patterson; Price; Rhodes; Rodriguez; Smithee; Turner, S.; West.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 381. I intended to vote no.

Danburg

When Record No. 381 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

### HJR 74 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment,

**HJR 74**, A joint resolution proposing a constitutional amendment limiting debt payable from the general revenue fund.

A record vote was requested.

The resolution was read second time and was adopted by (Record 382): 113 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Crabb; Craddick; Cuellar, H.; Culberson; Davis; Delisi; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; Moffat; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Romo; Rusling; Saunders; Seidlits; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Nays — Conley; Cuellar, R.; Davila; De La Garza; Dukes; Dutton; Edwards; Farrar; Gray; Gutierrez; McDonald; Moreno; Rangel; Serna; Thompson; Turner, S.; Wilson; Zbranek.

Present, not voting — Mr. Speaker(C); Danburg.

Absent, Excused, Committee Meeting — Coleman; Dear; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Alvarado; Counts; Giddings; Hudson; Johnson; Lewis, G.; Price; Rodriguez.



### STATEMENT OF VOTE

When Record No. 382 was taken, I was in the house but away from my desk. I would have voted yes.

Rodriguez

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on HB 1:

Delisi on motion of Black.

### HJR 80 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment,

**HJR 80**, A joint resolution proposing a constitutional amendment to abolish the office of constable in Mills County.

**HJR 80** was read second time earlier today and was postponed until this time.

#### Amendment No. 1

Representative Craddick offered the following amendment to the resolution:

Amend **HJR 80** as follows:

(1) On page 2, between lines 14 and 15, insert the following:

(f) The office of Constable in Reagan County and the office of Constable in Roberts County is abolished. The functions of the office are transferred to the County Sheriff. However, the office of Constable is abolished under this subsection only if, at the statewide election at which the constitutional amendment providing for the abolition is submitted to the voters, a majority of the voters of Reagan County or Roberts County, as applicable, voting on the question at that election favor the amendment.

(2) On page 2, between lines 21 and 22, add a new Section 3 and renumber remaining sections appropriately, to read as follows:

SECTION 3. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. The abolition of the office of constable in Reagan County and in Roberts County under the constitutional amendment proposed by the 74th Legislature, Regular Session, 1995, providing for the abolition of that office in those counties, takes effect January 1, 1996, if the conditions of Subsection (f), Section 18, Article V, as added by that constitutional amendment, are met. This temporary provision expires January 2, 1996.

(3) On page 2, lines 25 and 26, strike the ballot proposition in Section 3 and substitute the following: "The constitutional amendment providing for the abolition of the office of constable in Mills, Reagan, and Roberts counties."

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HJR 80**, as amended, was adopted by (Record 383): 120 Yeas, 7 Nays, 2 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Combs; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Denny; Driver; Duncan; Ehrhardt; Eiland; Elkins; Finnell; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; McCall; McCoulskey; McDonald; Moffat; Mowery; Munoz; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Nays — Allen; Dukes; Dutton; Edwards; Farrar; Puente; Zbranek.

Present, not voting — Mr. Speaker(C); Conley.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Clemons; Danburg; Hilderbran; Hudson; Maxey; Moreno; Naishtat; Price; Rangel; Solis; Turner, S.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 383. I intended to vote no.

R. Lewis

When Record No. 383 was taken, I was in the house but away from my desk. I would have voted yes.

Solis

### HB 603 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

**HB 603**, A bill to be entitled An Act relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits.

The bill was read third time and was passed.

### HB 2614 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

**HB 2614**, A bill to be entitled An Act relating to the jurisdiction of peace officers.

The bill was read third time and was passed.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today because of illness:

Woolley on motion of Duncan.

(Speaker pro tempore in the chair)

**HB 1023 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1023**, A bill to be entitled An Act relating to regulation of end stage renal disease facilities; providing penalties.

The bill was read third time and was passed.

**HB 2370 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2370**, A bill to be entitled An Act relating to revival of a dormant judgment.

The bill was read third time and was passed.

**HB 2337 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2337**, A bill to be entitled An Act relating to the eligibility for unemployment compensation benefits of certain employees of educational institutions.

The bill was read third time and was passed.

**HB 2382 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2382**, A bill to be entitled An Act relating to the training of food service workers.

The bill was read third time and was passed. (Finnell recorded voting no)

**HB 2383 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2383**, A bill to be entitled An Act relating to the regulation of retail food stores, food service establishments, mobile food units, and roadside food vendors.

The bill was read third time and was passed. (Finnell recorded voting no)

**HB 2517 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2517**, A bill to be entitled An Act relating to contractual indemnification provisions in motor carrier contracts.

The bill was read third time and was passed.

**HB 1418 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1418**, A bill to be entitled An Act relating to liability insurance requirements for certain child care facilities.

A record vote was requested.

The bill was read third time and was passed by (Record 384): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Oliveira; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher(C); Van de Putte; Walker; West; Willis; Wilson; Wohlgemuth; Wolens; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker.

Absent, Excused — Woolley.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Brady; Glaze; Hudson; Moffat; Price.

**HB 2569 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2569**, A bill to be entitled An Act relating to hearings on the removal of a child from the child's home during an investigation of child abuse.

The bill was read third time and was passed.

**HB 2523 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2523**, A bill to be entitled An Act relating to the prevention of Medicaid fraud; imposing civil penalties.

The bill was read third time and was passed.

**HB 1056 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1056**, A bill to be entitled An Act relating to prohibiting smoking and the provision of tobacco products in county jails and other county correctional facilities; providing a penalty.

The bill was read third time and was passed.

**HB 2226 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 2226**, A bill to be entitled An Act relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear a uniform purchased from the state while providing law enforcement services for entities other than the department.

The bill was read third time and was passed.

**HB 269 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 269**, A bill to be entitled An Act relating to the redundant reporting of information within the criminal justice information system.

The bill was read third time and was passed.

**HB 1457 ON THIRD READING**

The chair laid before the house, on its third reading and final passage,

**HB 1457**, A bill to be entitled An Act relating to review of enforcement of the federal fair housing laws in this state.

The bill was read third time and was passed. (Heflin recorded voting no)

**HB 1300 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 1300**, A bill to be entitled An Act relating to certain annexations by a municipality with a population of more than 1.5 million.

The bill was read second time.

(Woolley now present)

**Amendment No. 1**

Representative Dutton offered the following amendment to the bill:

Amend **HB 1300** by adding the following new section:

Sec. FAILURE OF MUNICIPALITY TO PROVIDE WATER OR SEWER SERVICES.

(a) If a municipality fails to provide water or sewer services to an annexed area before the 10th anniversary following the date of annexation, a municipal ordinance or other municipal regulation has no effect in the annexed

area until the municipality provides water or sewer services to the annexed area.

(b) Subsection (a) does not permit a municipality to discontinue providing any other municipal service to the annexed area.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representatives Hamric and Brady offered the following amendment to the bill:

Amend **HB 1300** by adding the following sections, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.0215 to read as follows:

Sec. 43.0215. VOTER APPROVAL OF ANNEXATION REQUIRED IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 1.6 million or more.

(b) The municipality may not annex an area for full or limited purposes unless:

(1) the municipality holds in the area an election, at which the qualified voters of the area may vote, on the question of the annexation; and

(2) a majority of the votes received at the election approve the annexation.

(c) This section does not apply to an annexation of an area if:

(1) no qualified voters reside in the area; or

(2) the annexation is authorized by or subject to another section of this chapter, other than Section 43.021.

(d) the municipality shall pay for the cost of holding the election.

SECTION \_\_\_\_\_. The changes in law made by Section 43.0215, Local Government Code as added by this Act, apply only to an annexation proceeding in process on or after September 1, 1995.

Amendment No. 2 was adopted. (Brady recorded voting yes)

**HB 1300**, as amended, was passed to engrossment. (Danbury recorded voting no; Brady, yes)

(Speaker in the chair)

### **MESSAGE FROM THE SENATE**

Austin, Texas, May 10, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**HB 1337** by Rodriguez (Sponsor-Luna, Gregory), relating to the provision by a public junior college of remedial programs for students enrolled in secondary schools in an independent school district in the junior college's service area (amended).

**HB 1463** by Swinford (Sponsor-Haywood), relating to a lien in favor of a seller of agricultural chemicals, agricultural seeds, or animal feed or of a provider of labor in connection with the agricultural chemicals or agricultural seeds; providing penalties.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 409** by Viva Voce Vote; **SB 415** by Viva Voce Vote; and **SB 1070** by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for the appointment of a Conference Committee to adjust the differences between the two Houses on **HB 1792**.

The following have been appointed on the part of the Senate: Senators Bivins, Chair, Senator Montford, Senator Brown, Senator Turner, and Senator Lucio.

Respectfully,

Betty King

Secretary of the Senate

#### **HB 725 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 725**.

**CSHB 725**, A bill to be entitled An Act relating to the transfer of servicing of certain residential real estate loans; providing a penalty.

**CSHB 725** was read second time and was passed to engrossment.

#### **HB 2608 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2608**.

**CSHB 2608**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain tangible personal property held at a location for not more than a specified period.

**CSHB 2608** was read second time.

Representative Averitt moved to postpone consideration of **CSHB 2608** until 5:15 p.m. today.

The motion prevailed without objection.

#### **HB 1214 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1214**.

**CSHB 1214**, A bill to be entitled An Act relating to the establishment of a prepaid higher education tuition program.

**CSHB 1214** was read second time.

**Amendment No. 1**

Representative Marchant offered the following amendment to **CSHB 1214**:

Amend **CSHB 1214** on page 21 by striking lines 5 through 25 and substituting the following:

(e) The board shall invest the assets of the fund in accordance with the Public Funds Investment Act (Subchapter A, Chapter 2256, Government Code).

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Chisum offered the following amendment to **CSHB 1214**:

Amend **CSHB 1214** as follows:

(1) On page 11, lines 6 through 11, strike proposed Subsection (c) of proposed Section 54.619, Education Code.

(2) On page 11, line 12, strike "(d)" and substitute "(c)".

(3) On page 17, lines 13 and 14, in proposed Section 54.632(c), Education Code, strike "together with five percent interest on each payment accruing" and substitute "plus interest accrued on each payment".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Chisum offered the following amendment to **CSHB 1214**:

Amend **CSHB 1214** on page 18, lines 7 through 10, by striking all of Subsection (d) of proposed Section 54.633, Education Code, and substituting the following:

(d) Scholarships under this section are funded by the private sector.

Amendment No. 3 was adopted without objection.

**Amendment No. 4**

Representative Raymond offered the following amendment to **CSHB 1214**:

Amend **CSHB 1214** as follows:

(1) On page 11, line 27, strike "tuition growth rates" and substitute "the rates of increase of tuition and required fees".

(2) On page 12, line 1, strike "and".

(3) On page 12, line 2, between "costs" and the period, insert the following:  
"; and

(4) the period between the date the contract is entered into and the date the beneficiary is projected to graduate from high school".

(c) On page 15, between lines 16 and 17, insert the following:

(c) The purchaser of a prepaid tuition contract may not sell the contract.

(5) On page 16, strike lines 17-27, and on page 17, strike lines 1-3, and substitute the following:

(b) A prepaid tuition contract terminates on the 10th anniversary of the date the beneficiary is projected to graduate from high school, not counting time spent by the beneficiary as an active duty member of the United States armed services.



(6) On page 17, line 7, strike "and".

(7) On page 17, line 9, between "refund" and the period, insert the following:  
"; and

(3) the method by which the amount of the refund is calculated".

(8) On page 17, strike lines 12-18 and substitute the following:

(c) The board shall determine the method by which the amount of the refund is calculated.

(9) On page 22, between lines 16 and 17, in proposed Subchapter F, Chapter 54, Education Code, insert the following:

Sec. 54.6385. EXEMPTION FROM SECURITIES LAWS. The registration requirements of The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) do not apply to the sale of a prepaid tuition contract by the board or by a registered securities dealer.

(10) On page 23, line 10, immediately after the semicolon, insert "and".

(11) On page 23, strike lines 11-13.

(12) On page 23, line 14, strike "(5)" and substitute "(4)".

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Raymond offered the following amendment to **CSHB 1214**:

Amend **CSHB 1214** as follows:

(1) On page 1, between lines 7 and 8, in proposed Subchapter F, Chapter 54, Education Code, insert the following:

Sec. 54.6001. PUBLIC PURPOSE. An educated population being necessary to the social development and economic health of this state, the legislature finds and declares it to be an urgent public necessity to assist young Texans in obtaining a higher education. Because the state's population is rapidly growing and is diverse, the state is required to use all of the higher education facilities and resources within the state, both public and private, to provide a wide variety of educational environments and instructional options and to preserve the partnership between the state and private or independent institutions of higher education. Therefore, the prepaid higher education tuition program is established to help Texas students attend the institution that best meets their individual needs.

(2) On page 1, between lines 12 and 13, in proposed Section 54.601, Education Code, insert the following and renumber the subsequent subdivisions of the section accordingly:

(3) "Estimated average private tuition and required fees" means an estimated average of tuition and required fees to be charged by private or independent institutions of higher education as determined annually by the board.

(3) On page 10, line 6, between the comma and "and", insert "private or independent institutions of higher education".

(4) On page 10, line 26, between "education" and the period, insert "or private or independent institution of higher education".

(5) On page 11, line 3, between "education" and "in", insert "or private or independent institution of higher education".

(6) On page 11, line 12, between "beneficiary" and "enrolls", insert "of a plan described by Section 54.623, 54.624, or 54.625".

(7) On page 11, line 15, strike "student" and substitute "beneficiary".

(8) On page 11, between lines 20 and 21, insert the following:

(e) If the beneficiary of a plan described by Section 54.6251 enrolls in an institution of higher education, the board shall pay:

(1) to the institution the tuition and required fees of the institution; and

(2) to the beneficiary the amount by which the estimated average private tuition and required fees exceeds the tuition and required fees of the institution.

(f) If the beneficiary of a plan described by Section 54.6251 enrolls in a private or independent institution of higher education, the board shall pay:

(1) to the institution the lesser of:

(A) the tuition and required fees of the institution; or

(B) the estimated average private tuition and required fees;

and

(2) to the beneficiary the amount by which the estimated average private tuition and required fees exceeds the tuition and required fees of the institution.

(g) If the beneficiary of a plan described by Section 54.6251 enrolls in a private or independent institution of higher education, the beneficiary is responsible for paying the institution the amount by which the tuition and required fees of the institution exceeds the estimated average private tuition and required fees.

(9) On page 11, line 24, between "education" and "to", insert "or private or independent institution of higher education".

(10) On page 11, strike line 27 and substitute the following:

"(1) the rates of increase of:

(A) tuition and required fees at institutions of higher education; or

(B) estimated average private tuition and required fees;".

(11) On page 12, line 1, strike "and".

(12) On page 12, line 2, between "costs" and the period, insert the following:  
"; and

(4) the period between the date the contract is entered into and the date the beneficiary is projected to graduate from high school".

(13) On page 12, line 21, between "education" and the comma, insert "or private or independent institution of higher education".

(14) On page 13, line 19, strike "and".

(15) On page 13, line 20, between "plan" and the period, insert the following:  
"; and

(4) private college plan".

(16) On page 14, between lines 20 and 21, in proposed Subchapter F, Chapter 54, Education Code, insert the following:

Sec. 54.6251. PRIVATE COLLEGE PLAN. Through the private college plan, a prepaid tuition contract shall provide prepaid estimated average private

tuition and required fees for the beneficiary to attend a private or independent institution of higher education for a specified number of undergraduate credit hours not to exceed the typical number of hours required for a baccalaureate degree awarded by a private or independent institution of higher education.

(17) On page 15, between lines 16 and 17, insert the following:

(c) The purchaser of a prepaid tuition contract may not sell the contract.

(18) On page 16, line 5, between "education" and the semicolon, insert "or private or independent institution of higher education".

(19) On page 16, line 7, between "education" and the semicolon, insert "or private or independent institution of higher education".

(20) On page 16, line 9, between "education" and "after", insert "or private or independent institution of higher education".

(21) On page 16, line 10, between "education" and the period, insert "or private or independent institution of higher education".

(22) On page 16, strike lines 17-27, and on page 17, strike lines 1-3, and substitute the following:

(b) A prepaid tuition contract terminates on the 10th anniversary of the date the beneficiary is projected to graduate from high school, not counting time spent by the beneficiary as an active duty member of the United States armed services.

(23) On page 17, line 7, strike "and".

(24) On page 17, line 9, between "refund" and the period, insert the following:  
"; and

(3) the method by which the amount of the refund is calculated".

(25) On page 17, strike lines 12-18 and substitute the following:

(c) The board shall determine the method by which the amount of the refund is calculated.

(26) On page 22, line 3, immediately after "education", insert "or private or independent institutions of higher education".

(27) On page 22, between lines 16 and 17, in proposed Subchapter F, Chapter 54, Education Code, insert the following:

Sec. 54.6385. EXEMPTION FROM SECURITIES LAWS. The registration requirements of The Securities Act (Article 581-1 et seq., Vernon's Texas Civil Statutes) do not apply to the sale of a prepaid tuition contract by the board or by a registered securities dealer.

(28) On page 23, line 10, immediately after the semicolon, insert "and".

(29) On page 23, strike lines 11-13.

(30) On page 23, line 14, strike "(5)" and substitute "(4)".

Amendment No. 5 was adopted without objection.

**CSHB 1214**, as amended, was passed to engrossment.

### **HB 228 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 228**, A bill to be entitled An Act relating to the penalty for certain violations of the law relating to automotive wrecking and salvage yards in certain counties.

The bill was read second time and was passed to engrossment.

### **HB 164 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 164**.

**CSHB 164**, A bill to be entitled An Act relating to liability for injury arising from a motor vehicle accident to a driver who fails to maintain financial responsibility.

**CSHB 164** was read second time.

#### **Amendment No. 1**

Representative Corte offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) as follows:

(1) On page 2, strike lines 1-5 and substitute:

(c) This section does not prohibit the recovery of exemplary damages with respect to a claim for damages for a wilful act or omission or gross neglect in wrongful death actions brought by or on behalf of a surviving spouse or heirs of the decedent's body, under a statute enacted pursuant to Section 26, Article XVI, Texas Constitution. A claim for exemplary damages described by this subsection is governed by Chapter 41, Civil Practice and Remedies Code.

(2) On page 3, strike lines 3-6 and substitute the following:

(1) "Noneconomic damages" means damages other than compensatory damages for pecuniary loss. The term includes damages for physical pain and mental anguish, loss of consortium, disfigurement, physical impairment, or loss of companionship and society. The term does not include exemplary damages.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Corte offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) as follows:

(1) On page 3, between lines 1 and 2, insert the following:

(g) This section does not apply to a claim brought against a person who, in connection with the accident, committed an offense Chapter 49, Penal Code, without regard to whether the person is criminally convicted of that offense.

(2) On page 2, line 2, strike "(g)" and substitute "(h)".

Amendment No. 2 was adopted without objection.

#### **Amendment No. 3**

Representative Corte offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) on page 1, line 17, between "is" and "operating", insert "knowingly".

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Corte offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) as follows:

(1) On page 3, between lines 1 and 2, insert the following:

(g) This section does not prohibit the person described by Subsection (a)(1) of this section from acting in a representative capacity to bring suit on behalf of another person injured in the accident, as next friend or otherwise.

(2) On page 2, line 2, strike "(g)" and substitute "(h)".

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Eiland offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) on page 1, by striking lines 15-18 and substituting:

(1) is the operator of a motor vehicle involved in the accident and is operating the motor vehicle in violation of Section 1A of this Act;

(2) has filed bankruptcy during the seven year period immediately preceding the date of the accident;

(3) owes any outstanding delinquent federal, state, or local taxes or is subject to a lien with respect to such a debt;

(4) owes any amount on an outstanding citation issued by a local government and relating to a violation of a law relating to the operation or parking of a motor vehicle;

(5) the registration or inspection certificate applicable to any motor vehicle, trailer, farm equipment, or boat in which the person owns an interest is expired;

(6) is a licensed professional subject to professional license or renewal fee, and the fee is unpaid;

(7) was a person involved in the accident and was not wearing a seatbelt; or

(8) owes any delinquent amount under court-ordered child support or payment to a former spouse.

Representative Chisum raised a point of order against further consideration of Amendment No. 5 on the grounds that Amendment No. 5 violates Rule 11, Section 2, of the House Rules.

The speaker sustained the point of order.

#### **Amendment No. 6**

Representative Puente offered the following amendment to **CSHB 164**:

Amend **CSHB 164** (House Committee Report) on page 1, line 15, between "is" and "the" insert "negligent".

Representative Corte moved to table Amendment No. 6.

The motion to table was lost.

Amendment No. 6 was adopted without objection.

A record vote was requested.

**CSHB 164**, as amended, failed to pass to engrossment by (Record 385): 61 Yeas, 72 Nays, 5 Present, not voting.

Yeas — Allen; Averitt; Black; Brady; Carter; Chisum; Clemons; Corte; Counts; Crabb; Craddick; Denny; Elkins; Finnell; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCoulskey; Moffat; Mowery; Oakley; Park; Patterson; Pitts; Rabuck; Ramsay; Reyna; Rusling; Siebert; Smithee; Staples; Stiles; Swinford; Turner, B.; Walker; West; Wohlgemuth; Woolley; Yost.

Nays — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Combs; Conley; Cook; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hightower; Hilbert; Hirschi; Hudson; Hunter, T.; Jones, J.; King; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Oliveira; Pickett; Place; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Saunders; Seidlits; Serna; Shields; Solis; Solomons; Talton; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Brimer; Driver; McCall; Nixon.

Absent, Excused, Committee Meeting — Coleman; Dear; Delisi; Gallego; Hernandez; Hochberg; Junell; Ogden; Sadler; Williamson.

Absent — Carona; Price.

### CSHB 3226 ON SECOND READING

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 3226**.

**CSHB 3226**, A bill to be entitled An Act relating to protection of coastal resources.

**CSHB 3226** was read second time earlier today and was postponed until this time.

#### Amendment No. 1

Representatives Holzheuser and Berlanga offered the following amendment to **CSHB 3226**:

Amend **CSHB 3226** as follows:

(1) Strike page 3, line 17, through page 4, line 20, and substitute the following:

Sec. 33.053. ELEMENTS OF COASTAL MANAGEMENT PROGRAM. (a) The coastal management program, in compliance with the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.), shall include the following elements:

(1) an identification of the boundaries of the coastal zone subject to the coastal management program as provided by Section 33.2053(k) [a continuous inventory of coastal public land and water resources including a determination of the extent and location of the coastal public land];

(2) a continuous analysis of the potential uses for ~~[which]~~ the ~~[coastal public]~~ land and water within the coastal zone ~~[might be used]~~, including recommendations as to which configurations of uses consonant with the policies of this chapter maximize the benefits conferred on the present and future citizens of Texas;

(3) guidelines on the priority of uses ~~[in coastal public land]~~ within the coastal zone ~~[area]~~, including specifically those uses of lowest priority;

(4) a list ~~[definition]~~ of the ~~[permissible]~~ uses of the ~~[coastal public]~~ land and water within the coastal zone that are permissible under state law and under agency or subdivision actions described by Sections 33.2051 and 33.2053 and that ~~[and definitions of the uses of adjacent areas which]~~ would have a direct and significant ~~[adverse]~~ impact on the ~~[management or use of]~~ coastal waters [public land or water];

(5) recommendations as to increments of jurisdiction or authority necessary to protect ~~[coastal public]~~ land and water within the coastal zone from direct and significant detrimental ~~[adverse]~~ consequences flowing from the uses of adjacent land;

(6) an inventory of designated coastal natural resource areas, as defined by Section 33.203, ~~[endangered environments and resources]~~ in the coastal zone ~~[public land]~~; ~~[and]~~

(7) a description of ~~[recommendations for any changes necessary in]~~ the organizational structure by which the coastal management program is implemented and administered;

(8) a compilation of state constitutional provisions, laws, rules, and judicial decisions under which the state proposes to exercise control over the uses of land and water described by Subdivision (4);

(9) a list of each agency or subdivision action, as described by Sections 33.2051 and 33.2053, that may have a direct and significant detrimental impact on coastal natural resource areas;

(10) a list of each federal agency action or activity and each outer continental shelf plan that may have a direct and significant detrimental impact on coastal natural resource areas;

(11) a procedure, as described under Sections 33.205, 33.2051, 33.2052, 33.2053, 33.206, 33.208, and 33.209, for determining the consistency of an agency or subdivision action or a federal agency action or activity or outer continental shelf plan with the goals and policies of the coastal management program;

(12) a definition of "gulf beach," as defined by Section 33.203, and a description of the statutory planning process or program for protection of and access to public beaches and other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value;

(13) a description of the statutory planning process or program for energy facilities likely to be located in, or that may directly and significantly affect, the coastal zone;

(14) a description of the statutory planning process or program for:

(A) assessing the effects of shoreline erosion;

(B) studying and evaluating ways to control or reduce the impact of shoreline erosion; and



(C) restoring areas detrimentally affected by shoreline erosion;

(15) a description of the state's statutory program regulating non-point source water pollution, as it relates to the coastal zone; and

(16) an explanation of the relationship of specific policies of the coastal management program to:

(A) protection of resources;

(B) management of coastal development; and

(C) simplification of governmental procedures.

(b) For purposes of Subsections (a)(9) and (a)(11), "agency or subdivision action" has the meaning assigned by Section 33.203.

(c) For purposes of Subsections (a)(10) and (a)(11), "federal agency action," "federal agency activity," and "outer continental shelf plan" have the meanings assigned by Section 33.203.

(2) On page 5, line 20, strike "and 33.210" and substitute "33.210, and 33.211".

(3) On page 11, line 8, at the end of the subdivision, add the following: The terms of the positions on the council held by the city or county elected official who resides in the coastal area and the resident from the coastal area expire May 31 of each even-numbered year. The terms of the positions on the council held by the owner of a business located in the coastal area who resides in the coastal area and the representative of agriculture expire May 31 of each odd-numbered year.

(4) Strike page 12, line 27, through page 14, line 11, and substitute the following:

(b) The council shall meet once in each calendar quarter. The commissioner is chair of the council. The chair or any three members of the council [and] may convene special meetings at other times.

(c) Except as provided by Sections 33.205(c)(3) and 33.206(a), the council may act on the agreement of a majority of a quorum of the council.

(d) For each matter to be reviewed by the council under Section 33.205(c) or (d) [33.205] of this code, the governor shall designate a local elected official from a county or municipality directly affected by the matter under review. The local official shall serve as a nonvoting participant on the council for purposes of reviewing and acting on that matter only.

(e) [(e)] In conducting reviews under Section 33.205 of this code, the council shall receive and consider the oral or written testimony of any person regarding [the goals and policies of] the coastal management program as the testimony relates to the agency or subdivision action or federal agency action or activity or outer continental shelf plan under review [plan]. The council may reasonably limit the length and format of the testimony and the time at which it will be received. Notice of the period during which the testimony will be received shall be published in the Texas Register and in a newspaper of general circulation in each county directly affected by the matter under review before the commencement of that period. The council shall consider only the record before the agency or subdivision involved in the matter under review, the agency's or subdivision's findings, applicable laws and rules, any additional information provided by that agency or subdivision, and public testimony under this subsection, provided that if the agency or subdivision did not hold a



hearing, make a record, or make findings, the council may hold a hearing and make findings necessary to a complete and thorough review.

(f) [(d)] The land office shall assist the council in carrying out its duties. The council members may [~~shall~~] not receive compensation for services but may receive reimbursement for actual and necessary expenses. The land office, in coordination with other agencies and subdivisions, shall prepare an annual report on the effectiveness of the coastal management program. The land office shall submit the report to the council for approval. On or before January 15 of each odd-numbered year, the land office shall send to the legislature each of the previous two annual reports.

(5) On page 29, following line 27, add the following:

Sec. 33.209. PROHIBITION ON SPECIAL AREA MANAGEMENT PLANS. The council may not develop or approve a special area management plan, including a plan for an area designated under the national estuary program.

(6) On page 30, line 1, strike "33.209" and substitute "33.210".

(7) On page 30, line 5, strike "33.210" and substitute "33.211".

(8) Strike Section 5 of the bill (page 30, lines 10-17), substitute the following sections, and renumber the subsequent sections accordingly:

SECTION 5. As soon as possible on or after the effective date of this Act, the governor shall appoint to the Coastal Coordination Council:

(1) a city or county elected official who resides in the coastal area, if a vacancy occurs in that position on the council;

(2) a resident from the coastal area, if a vacancy occurs in that position on the council;

(3) an owner of a business located in the coastal area who resides in the coastal area; and

(4) a representative of agriculture.

SECTION 6. The legislature intends that, subject to Chapter 33, Natural Resources Code, as amended by this Act, the coastal management program submitted by the governor under 16 U.S.C. Section 1455 on or after the effective date of this Act be as similar to the coastal management program submitted before the effective date of this Act as is practicable.

Amendment No. 1 was adopted without objection.

**CSHB 3226**, as amended, was passed to engrossment.

### **HB 1987 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1987**.

**CSHB 1987**, A bill to be entitled An Act relating to surplus lines insurance.

**CSHB 1987** was read second time and was passed to engrossment.

### **HB 2331 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2331**, A bill to be entitled An Act relating to the creation of the offense of preventing execution of civil process.

The bill was read second time and was passed to engrossment.

**HB 2516 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2516**, A bill to be entitled An Act relating to payment of certain amounts due to the operator of a vehicle storage facility.

The bill was read second time and was passed to engrossment. (Corte recorded voting no)

**MESSAGE FROM THE SENATE**

Austin, Texas, May 10, 1995

The Honorable Speaker of the House of Representatives  
House Chamber

The Honorable  
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

**SCR 144** by Brown and Patterson, Jerry, congratulating Clear Lake High School basketball coach Bill Krueger for winning the most basketball games of any high school coach in the country.

**SJR 47** by Wentworth, et al., proposing a constitutional amendment to authorize the voters of certain counties and certain political subdivisions to create a consolidated county government by adopting a charter restructuring the county government and consolidating the political subdivisions.

**SB 662** by Harris, Chris, relating to certain agreements for the payment of subcontractors.

**SB 871** by Madla, relating to the appeal of orders of and civil penalties assessed by the Consumer Credit Commissioner.

**SB 901** by Henderson, relating to the investments of participants in the optional retirement program for faculty members employed in state-supported institutions of higher education.

**SB 1314** by Armbrister, relating to the regulation and licensing of wholesale motor vehicle auctions.

**SB 1670** by Lucio, relating to the regulation of certain amateur boxing events.

**SB 1689** by Montford, relating to the appointment of certain officers and employees of the Department of Public Safety of the State of Texas.

Respectfully,  
Betty King  
Secretary of the Senate

(Black in the chair)

**HB 2558 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 2558**, A bill to be entitled An Act relating to the right of a person arrested for the offense of public intoxication to request an analysis of the person's blood to determine intoxication.

The bill was read second time.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Carona on motion of Kubiak.

The following member was granted leave of absence for the remainder of today because of important business in the district:

Conley on motion of S. Turner.

### HB 2558 - (consideration continued)

#### Amendment No. 1

Representative Dutton offered the following amendment to the bill:

Amend **HB 2558** as follows:

On page 1, line 13, between "blood" and "." add "or breath".

Amendment No. 1 was adopted without objection.

**HB 2558**, as amended, was passed to engrossment. (Corte and Talton recorded voting no)

### HB 2596 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2596**.

**CSHB 2596**, A bill to be entitled An Act relating to the extinguishment of a taxpayer's liability for delinquent ad valorem taxes following a tax sale.

**CSHB 2596** was read second time and was passed to engrossment. (Pickett and Puente recorded voting no)

### HB 2644 ON SECOND READING

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2644**.

**CSHB 2644**, A bill to be entitled An Act relating to licensing and Medicaid certification requirements for certain nursing facilities and related penalties and dispute resolution.

**CSHB 2644** was read second time.

#### Amendment No. 1

Representative Hilderbran offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** (House committee report) as follows:

(1) On page 5, line 25, strike "a panel of three arbitrators" and substitute "an arbitrator".

- (2) On page 5, line 26, strike "panel" and substitute "arbitrator".
- (3) On page 6, line 9, following the period, insert "The total fees and expenses paid for an arbitrator for a day may not exceed \$500.".
- (4) On page 6, strike lines 19-22 and substitute the following:  
"Sec. 242.255. ARBITRATOR; SELECTION. The arbitrator shall be appointed in accordance with the rules adopted under Section 242.253(b).  
Sec. 242.256. DUTIES OF ARBITRATOR. The arbitrator shall:".
- (5) On page 6, line 26, strike "panel" and substitute "arbitrator".
- (6) On page 7, line 2, strike "panel" and substitute "arbitrator".
- (7) On page 7, line 4, strike "panel" and substitute "arbitrator".
- (8) On page 7, line 7, strike "arbitration panel" and substitute "arbitrator".
- (9) On page 7, line 9, strike "panel" and substitute "arbitrator".
- (10) On page 7, line 13, strike "arbitration panel" and substitute "arbitrator".
- (11) On page 7, line 18, strike "arbitration".
- (12) On page 7, line 19, strike "panel" and substitute "arbitrator".
- (13) On page 7, line 22, strike "arbitration panel" and substitute "arbitrator".
- (14) On page 7, line 24, strike "panel" and substitute "arbitrator".
- (15) On page 7, line 25, strike "arbitration panel" and substitute "arbitrator".
- (16) On page 8, line 10, strike "arbitration panel" and substitute "arbitrator".
- (17) On page 8, line 12, strike "arbitration panel" and substitute "arbitrator".
- (18) On page 8, line 18, strike "arbitration panel" and substitute "arbitrator".
- (19) On page 8, line 22, strike "arbitration panel" and substitute "arbitrator".
- (20) On page 9, line 1, strike "arbitration panel" and substitute "arbitrator".
- (21) On page 9, line 2, strike "arbitration panel" and substitute "arbitrator".
- (22) On page 9, line 6, strike "arbitration panel" and substitute "arbitrator".
- (23) On page 9, line 8, strike "arbitration panel" and substitute "arbitrator".
- (24) On page 9, line 13, strike "each" and substitute "the".
- (25) On page 9, line 14, strike "arbitration panel's" and substitute "arbitrator's".
- (26) On page 9, line 17, strike "arbitration panel" and substitute "arbitrator".
- (27) On page 9, line 20, strike "arbitration".
- (28) On page 9, line 21, strike "panel" and substitute "arbitrator".
- (29) On page 9, line 24, strike "arbitration panel" and substitute "arbitrator".
- (30) On page 9, line 27, strike "arbitration panel's" and substitute "arbitrator's".
- (31) On page 10, line 5, strike "panel" and substitute "arbitrator".
- (32) On page 10, line 7, strike "panel" and substitute "arbitrator".
- (33) On page 10, line 11, strike "arbitration panel's" and substitute "arbitrator's".
- (34) On page 10, line 17, strike "arbitration panel's" and substitute "arbitrator's".

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Yarbrough offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** as follows:

On page 6, strike lines 6-9 and substitute the following:

"(c) The cost of the arbitration shall be shared equally by the department and the institution."

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Yarbrough offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** as follows:

On page 5, strike lines 2-7 and substitute the following:

"(3) assessment of a monetary penalty under Section 242.066; or  
(4) assessment of a penalty as described by Section 32.021(k), Human Resources Code."

Amendment No. 3 was withdrawn.

### **Amendment No. 4**

Representative Hirschi offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** as follows:

On page 10, add the following as SECTION 2 of the bill and renumber the subsequent SECTIONS accordingly:

"SECTION 2. Section 242.036, Health and Safety Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The attorney general shall issue an annual report to consumers on the performance of nursing facilities in Texas.

(f) The attorney general shall issue an annual report to consumers on the performance of providers of nursing facility services in Texas."

Amendment No. 4 was adopted without objection.

### **Amendment No. 5**

Representative Hirschi offered the following amendment to **CSHB 2644**:

Amend **CSHB 2644** as follows:

On page 4, add the following as SECTION 3 of the bill and renumber the subsequent SECTIONS accordingly:

"SECTION 3. Subsections (a) and (d), Section 242.063, Health and Safety Code, are amended to read as follows:

(a) The department may petition a district court for a temporary restraining order or an injunction to prevent ~~[restrain]~~ a person from continuing or causing a violation of the standards imposed ~~[prescribed]~~ by this chapter or by any other law if the department finds that the violation:

(1) creates an immediate threat to the health and safety of the institution's residents; or

(2) degrades resident quality of life without good cause.

(d) A suit for a temporary restraining order or other injunctive relief may ~~[must]~~ be brought in Travis County or in the county in which the alleged violation occurs."

Amendment No. 5 was withdrawn.

**CSHB 2644**, as amended, was passed to engrossment.

**HB 2712 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 2712**, A bill to be entitled An Act relating to removing the authority of certain local governments to participate directly in regional habitat conservation plans; requiring the Parks and Wildlife Department to coordinate with governmental entities affected by the plan and to submit the plan to the legislature for review.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative B. Turner, Representative Kuempel offered the following committee amendment to the bill:

Amend **HB 2712** as follows:

(1) On page 1, line 22, between the comma and "and", insert "Texas Department of Transportation, Texas Department of Agriculture, General Land Office, Texas Railroad Commission,".

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Hilderbran, Representative Kuempel offered the following committee amendment to the bill:

Amend Section 4, on line 8, page 3, by adding the following after the word, "suspended":

, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**Amendment No. 3**

On behalf of Representative Holzheuser, Representative Kuempel offered the following amendment to Committee Amendment No. 2:

Amend Committee Amendment No. 2 to **HB 2712** by striking the text of the amendment and substituting the following:

Amend **HB 2712** as follows:

(1) On page 2, line 27, strike Section 2 of the bill.

(2) On page 3, line 1, strike "SECTION 3" and substitute "SECTION 2".

(3) On page 3, strike lines 4-8 and substitute the following:

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

**HB 2712**, as amended, was passed to engrossment. (Finnell and Maxey recorded voting no)

### **HB 277 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 277**, A bill to be entitled An Act relating to creation of an offense for parking a commercial motor vehicle overnight in certain residential subdivisions.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Bosse offered the following committee amendment to the bill:

Amend **HB 277** by striking the sentence that begins on page 2, line 27.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Bosse offered the following amendment to the bill:

Amend **HB 277** by adding at the end of SECTION 1 of the bill (Committee printing page 3, between lines 3 and 4) the following:

(g) For the purposes of this section, contiguous subdivisions that are developed by the same entity or a successor to that entity and that are given the same public name or a variation of the same public name are considered one subdivision. Separation of one of the subdivisions from another by a road, stream, greenbelt, or similar barrier does not make the subdivisions noncontiguous.

Amendment No. 2 was adopted without objection.

**HB 277**, as amended, was passed to engrossment.

### **SB 532 ON SECOND READING** **(Bosse - House Sponsor)**

The chair laid before the house, in lieu of **HB 2582**, on its second reading and passage to third reading,

**SB 532**, A bill to be entitled An Act relating to the retainage of payments for a contract to improve a state highway.

The bill was read second time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

Representative Bosse offered the following committee amendment to the bill:

Amend **SB 532** by deleting SECTION 2 and inserting in lieu thereof the following:

SECTION 2. The change in law made by Section 1 of this Act applies to contracts in effect on the effective date of this Act and to contracts awarded after the effective date of this Act.

Amendment No. 1 was adopted without objection.

**SB 532**, as amended, was passed to third reading.

**HB 2582 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Bosse moved to lay **HB 2582** on the table subject to call.

The motion prevailed without objection.

**HB 2584 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 2584**, A bill to be entitled An Act relating to the weight of vehicles transporting recyclable materials.

The bill was read second time and was passed to engrossment.

**HB 2703 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment,

**HB 2703**, A bill to be entitled An Act relating to the eligibility of the Texas Department on Aging to participate in certain block grant programs.

The bill was read second time.

Representative Naishtat moved to postpone consideration of **HB 2703** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

**HB 2704 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2704**.

**CSHB 2704**, A bill to be entitled An Act relating to criminal history checks of employees and applicants for employment in certain facilities serving the elderly or persons with disabilities.

**CSHB 2704** was read second time and was passed to engrossment.

**HB 433 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 433**.

**CSHB 433**, A bill to be entitled An Act relating to the parent-child relationship, suits affecting the parent-child relationship, and the protection of children.

**CSHB 433** was read second time.

**Amendment No. 1**

Representative Van de Putte offered the following amendment to **CSHB 433**:



Amend **CSHB 433** as follows:

On page 53, between lines 13 and 14, insert the following appropriately numbered section and renumber the sections of the bill accordingly:

SECTION . Section 161.103(a), Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

(a) An affidavit for voluntary relinquishment of parental rights must be:

(1) signed after the birth of the child, but not before 48 hours after the birth of the child, by the parent, whether or not a minor, whose parental rights are to be relinquished;

(2) witnessed by two credible persons; and

(3) verified before a person authorized to take oaths.

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Shields offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows by adding an appropriately numbered section, and renumbering subsequent sections, to read as follows:

SECTION \_\_\_\_\_. Subchapter A, Chapter 154, Family Code, is amended by adding Section 154.011 to read as follows:

Sec. 154.011. ACCOUNTING FOR CERTAIN CHILD SUPPORT PAYMENTS. (a) This section applies only to an obligee who receives more than \$1,250 a month in child support.

(b) An obligee to whom this section applies must provide an accounting to the obligor as provided by this section not later than the 30th day after the last day of the month in which the child support payment is received.

(c) The obligee shall show in the accounting the expenses for which the obligee spent the child support in the month for which the child support was received.

(d) The obligee is liable to the obligor for any amount of a child support that is not accounted for as provided by this section.

Representative Goodman moved to table Amendment No. 2.

The motion to table prevailed.

### **Amendment No. 3**

Representative Goodman offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

On page 100, following line 10, add the following new SECTION 105 and renumber the subsequent sections appropriately:

SECTION 105. Chapter 264, Subchapter B, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 264.109 to read as follows:

SECTION 105. Chapter 264, Subchapter B, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 264.109 to read as follows:

Sec. 264.109. ASSIGNMENT OF SUPPORT RIGHTS IN FOSTER

CARE CASES. (a) The placement of a child in substitute care by the department constitutes an assignment to the state of any support rights attributable to the child as of the date the child is placed in such care.

(b) If a child placed by the department in substitute care is entitled under federal law to Title IV-D child support enforcement services without the requirement of an application for services, the department shall immediately refer the case to the Title IV-D agency. If an application for Title IV-D services is required and the department has been named managing conservator of the child, then an authorized representative of the department shall be the designated individual entitled to apply for services on behalf of the child and shall promptly apply for such services.

(c) The department and the Title IV-D agency shall execute a memorandum of understanding for the implementation of the provisions of this section and for the allocation between the department and the agency, consistent with federal laws and regulations, of any child support funds recovered by the Title IV-D agency in substitute care cases. All child support funds recovered under this section and retained by the department or the Title IV-D agency and any federal matching or incentive funds resulting from child support collection efforts in substitute care cases shall be in excess of amounts otherwise appropriated to either the department or the Title IV-D agency by the legislature.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Hilbert offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 1, between lines 9 and 10, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Subchapter C, Chapter 3, Family Code, is amended by adding Section 3.522 to read as follows:

Sec. 3.522. STATEMENT ON ALTERNATIVE DISPUTE RESOLUTION.

(a) A party to a proceeding under this title shall include in the first pleading filed by the party in the proceeding the following statement:

"I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE CONTESTED ISSUES IN THIS CASE BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION."

(b) The statement required by Subsection (a) must be printed in boldfaced type or capital letters and signed by the party.

(c) The statement in Subsection (a) is not required for:

(1) a pleading in which citation on all respondents entitled to service of citation is requested, issued, and given by publication;

(2) a motion or pleading that seeks a protective order under Section 3.581; or

(3) a special appearance under Rule 120A, Texas Rules of Civil Procedure.

(2) On page 7, between lines 2 and 3, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Chapter 102, Family Code, as added by **HB 655**, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 102.0085 to read as follows:

Sec. 102.0085. STATEMENT ON ALTERNATIVE DISPUTE RESOLUTION. (a) A party to a proceeding brought under this chapter and Chapters 151, 153, 154, and 160 shall include in the first pleading filed by the party in the proceeding the following statement:

"I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE CONTESTED ISSUES IN THIS CASE BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION."

(b) The statement required by Subsection (a) must be printed in boldfaced type or capital letters and signed by the party.

(c) The statement in Subsection (a) is not required for:

(1) a pleading in which citation on all respondents entitled to service of citation is requested, issued, and given by publication;

(2) a motion or pleading that seeks relief under Section 105.001(c) or Subchapter H, Chapter 157; or

(3) a special appearance under Rule 120A, Texas Rules of Civil Procedure.

(3) Renumber the sections of the bill accordingly.

Amendment No. 4 was adopted without objection. (Cook recorded voting no)

#### **Amendment No. 5**

Representative Hartnett offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 76, lines 12 and 13, by striking "child's mental, emotional, or physical welfare" and substituting "child".

(2) On page 77, lines 1 and 2, by striking "physical, mental, or emotional" and substituting "physical or mental".

(3) On page 77, line 26, by striking "child's mental, emotional, or physical welfare" and substituting "child".

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representatives De La Garza and Goodman offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

On page 5, between lines 10 and 11, insert the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION\_\_\_\_. Section 32.003(a), Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995 is amended to read as follows:

(a) A child may consent to medical, dental, psychological, and surgical treatment for the child by a licensed physician or dentist if the child:

(1) is on active duty with the armed services of the United States of America;

(2) is:

(A) 16 years of age or older and resides separate and apart from the child's parents, managing conservator, or guardian, with or without the consent of the parents, managing conservator, or guardian and regardless of the duration of the residence; and

(B) managing the child's own financial affairs, regardless of the source of the income;

(3) consents to the diagnosis and treatment of an infectious, contagious, or communicable disease that is required by law or a rule to be reported by the licensed physician or dentist to a local health officer or the Texas Department of Health, including all diseases within the scope of Section 81.041, Health and Safety Code;

(4) is unmarried and pregnant and consents to hospital, medical, or surgical treatment, other than abortion, related to the pregnancy; [or]

(5) consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use; or

(6) is unmarried and has actual custody of the child's biological child and consents to medical, dental, psychological, or surgical treatment, other than abortion.

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representative Zbranek offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

On page 29, between lines 10 and 11, add the following appropriately numbered section and renumber the remaining sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 153.316, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

Sec. 153.316. GENERAL TERMS AND CONDITIONS. The court shall order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

(1) the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of the possessory conservator's possession at the residence of the managing conservator;

(2) if the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed, the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of possession at the school in which the child is enrolled;

(3) the possessory conservator shall be ordered to do one of the following:

(A) the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator; or

(B) the possessory conservator shall return the child to the residence of the managing conservator at the end of each period of possession, except that the order shall provide that the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the managing conservator if:

(i) the possessory conservator's county of residence remains the same after the rendition of the order establishing terms and conditions of possession and access, and [if] the managing conservator's county of residence changes [~~should change~~], effective on the date of the change of residence by the managing conservator; or

(ii) the possessory conservator managing conservator lived in the same residence at any time during a six-month period preceding the date on which a suit for dissolution of the marriage was filed and the possessory conservator's county of residence remains the same and the managing conservator's county of residence changes after they no longer live in the same residence, effective on the date the order is rendered[~~the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator~~];

(4) if the possessory conservator elects to end a period of possession at the time the child's school resumes, the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the school in which the child is enrolled;

(5) each conservator shall return with the child the personal effects that the child brought at the beginning of the period of possession;

(6) either parent may designate a competent adult to pick up and return the child, as applicable; a parent or a designated competent adult shall be present when the child is picked up or returned;

(7) a parent shall give notice to the person in possession of the child on each occasion that the parent will be unable to exercise that parent's right of possession for a specified period;

(8) written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due; and

(9) if a conservator's time of possession of a child ends at the time school resumes and for any reason the child is not or will not be returned to school, the conservator in possession of the child shall immediately notify the school and the other conservator that the child will not be or has not been returned to school.

Amendment No. 7 was adopted without objection.

#### **Amendment No. 8**

Representative Madden offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 25, between lines 22 and 23, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Subchapter A, Chapter 153, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 153.0025 to read as follows:

Sec. 153.0025. EDUCATION REGARDING EFFECT OF SUIT ON CHILDREN. (a) In a suit affecting the parent-child relationship, the court may order any party to the suit to attend a four-hour course regarding the effect of suits affecting the parent-child relationship on children.

(b) Only a person or group approved by the court may conduct a course under this section. An individual conducting the course must have a background in parent education or family therapy.

(c) A course conducted under this section must include information regarding:

(1) the developmental stages of children, including the needs and expectations of children at different ages;

(2) indicators of stress in children;

(3) reduction of stress for a child whose parents are separated or divorcing;

(4) the grief process;

(5) changing parental and marital roles in our society;

(6) visitation recommendations for enhancing a child's relationship with both parents;

(7) financial obligations of raising a child; and

(8) conflict management and dispute resolution.

(d) On a party's failure to attend or complete a course that the party is ordered to attend under this section, the court may take appropriate action, including holding that party in contempt of court, striking pleadings, or invoking any of the sanctions provided by Rule 215, Texas Rules of Civil Procedure.

(e) A court ordering a party to attend a course under this section may order the party to pay a reasonable fee set by the court for the course.

(f) A court may not order a party to attend a course under this section if the proceeding was brought by the Department of Protective and Regulatory

Services, the office of the attorney general, or a party seeking a protective order under Chapter 71.

(2) Renumber the sections of the bill accordingly.

Amendment No. 8 was adopted without objection. (Cook recorded voting no)

#### **Amendment No. 9**

Representative Gray offered the following amendment to **CSHB 433**:

Amend **CSHB 433**, on page 36, between lines 10 and 11, by inserting the following:

(c) A court that obtains continuing, exclusive jurisdiction of a suit affecting the parent-child relationship involving a disabled person who is a child retains continuing, exclusive jurisdiction of subsequent proceedings involving the person, including proceedings after the person is an adult.

Amendment No. 9 was adopted without objection.

#### **Amendment No. 10**

Representative Greenberg offered the following amendment to **CSHB 433**:

Amend **CSHB 433** by inserting the following appropriately numbered sections of the bill and renumbering subsequent sections of the bill accordingly:

SECTION \_\_\_\_\_. Section 162.003, Family Code, as added by H.B. 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

Sec. 162.003. SOCIAL STUDY. (a) In a suit for adoption, including a suit in which a private agency or individual is responsible for placing the child for adoption, the court shall order a social study as provided in Chapter 107.

(b) The social study required by this section must include a complete investigation of the circumstances and condition of the home of a person petitioning for the adoption of a child under this chapter.

(c) The court shall order that the cost of the social study be paid by the person seeking to adopt the child who is the subject of the social study.

SECTION \_\_\_\_\_. Section 162.004, Family Code, as added by H.B. 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

Sec. 162.004. TIME FOR HEARING. (a) The court shall set the date for the hearing on the adoption at a time not before the 40th day or later than the 60th day after the later of the date the social study is ordered or the date criminal history record information is requested under Section 162.0085.

(b) For good cause shown, the court may set the hearing at any time that provides adequate time for filing the social study and for notifying the court of the criminal history record information for a person seeking to adopt the child.

SECTION \_\_\_\_\_. Subchapter A, Chapter 162, Family Code, as added by H.B. 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 162.0085 to read as follows:

Sec. 162.0085. CRIMINAL HISTORY REPORT REQUIRED. (a) In a suit affecting the parent-child relationship in which an adoption is sought, the



court shall order each person seeking to adopt the child to obtain that person's own criminal history record information.

(b) A person required to obtain information under Subsection (a) shall obtain the information in the manner provided by Section 411.128, Government Code.

SECTION \_\_\_\_\_. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.128 to read as follows:

Sec. 411.128. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PERSON SEEKING TO ADOPT CHILD. (a) A person seeking to adopt a child under Chapter 162, Family Code, who is ordered by the court to obtain the person's own criminal history record information from the department under Section 162.0085, Family Code, shall request the information as provided by this section.

(b) A person requesting information under this section shall provide the department with the name and address of the court and the date set for the adoption hearing.

(c) The department shall provide the court with criminal history record information not later than the 10th day after the date on which the criminal history record information is requested.

(d) Criminal history record information requested under this section may not be released or disclosed to a person other than the court ordering the investigation except on court order or with the consent of the person who is the subject of the criminal history record information.

Amendment No. 10 was adopted without objection.

#### **Amendment No. 11**

Representative Puente offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

On page 49, between lines 14 and 15, insert the following appropriately numbered section and renumber the sections of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 160, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

#### **SUBCHAPTER C. VOLUNTARY PATERNITY**

Sec. 160.201. VOLUNTARY PATERNITY. (a) If a statement of paternity has been executed by a man claiming to be the biological father of a child who has no presumed father, he, the mother of the child, or the child through a representative authorized by the court or a governmental entity may file a petition for an order adjudicating him as a parent of the child. The statement of paternity must be attached to or filed with the petition.

(b) The court shall render an order adjudicating the child to be the biological child of the child's father and the father to be a parent of the child if the court finds that the statement of paternity was executed as provided by this chapter, and the facts stated are true.

(c) A suit for voluntary paternity may be joined with a suit for termination under Chapter 161.

Sec. 160.202. STATEMENT OF PATERNITY. (a) The statement of paternity authorized to be used by this subchapter must:



- (1) be in writing;
- (2) be signed by the man alleging himself to be the father of the child;
- (3) state whether the man alleging himself to be the father is a minor;

and

(4) clearly state that the man signing the statement acknowledges the child as his biological child.

(b) The statement may include a waiver of citation in a suit to establish the parent-child relationship and [but] may [not] include a waiver of the right to notice of the proceedings.

(c) The statement must be executed before a person authorized to administer oaths under the laws of this state.

(d) The statement may be signed before the birth of the child.

(e) The statement must include the social security number of the father.

Sec. 160.203. EFFECT OF STATEMENT OF PATERNITY. (a) A statement of paternity executed as provided by this subchapter is prima facie evidence that the child is the child of the person executing the statement and that the person has an obligation to support the child.

(b) If an alleged father's address is unknown or he is outside the jurisdiction of the court at the time a suit is instituted under this subchapter, his statement of paternity, in the absence of controverting evidence, is sufficient for the court to render an order establishing his paternity of the child.

~~Sec. 160.204. [NOTICE AFTER WAIVER OF SERVICE. If the respondent does not answer or appear after signing a waiver of service of process as authorized by this subchapter, notice of the proceedings shall be given to the respondent by first class mail sent to the address supplied in the waiver. The waiver shall be valid in a suit filed on or before the first anniversary of the date of signing.]~~

~~Sec. 160.205.]~~ DISPUTED PARENTAGE. If the paternity of the child is uncertain or is disputed by a party in a suit filed under this subchapter, the provisions of Subchapter B apply.

Sec. 160.205 [Sec. 160.206]. VALIDATION OF PRIOR STATEMENTS. A statement acknowledging paternity or an obligation to support a child that was signed by the father before January 1, 1974, is valid and binding even though the statement is not executed as provided by this subchapter.

Amendment No. 11 was adopted without objection.

### **Amendment No. 12**

Representative Puente offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 7, between lines 25 and 26, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 103.001, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding a new Subsection (c) and amending existing Subsection (c) to read as follows:

(c) An authorized agency or individual named as managing conservator of a child in an affidavit of relinquishment of parental rights may file a suit to

terminate parental rights in the county in which the agency is located or the individual resides.

(d) [(e)] A child resides in the county where the child's parents reside or the child's parent resides, if only one parent is living, except that:

(1) if a guardian of the person has been appointed by order of a county or probate court and a managing conservator has not been appointed, the child resides in the county where the guardian of the person resides;

(2) if the parents of the child do not reside in the same county and if a managing conservator, custodian, or guardian of the person has not been appointed, the child resides in the county where the parent having actual care, control, and possession of the child resides;

(3) if the child is in the care and control of an adult other than a parent and a managing conservator, custodian, or guardian of the person has not been appointed, the child resides where the adult having actual care, control, and possession of the child resides;

(4) if the child is in the actual care, control, and possession of an adult other than a parent and the whereabouts of the parent and the guardian of the person is unknown, the child resides where the adult having actual possession, care, and control of the child resides;

(5) if the person whose residence would otherwise determine venue has left the child in the care and control of the adult, the child resides where that adult resides;

(6) if a guardian or custodian of the child has been appointed by order of a court of another state or country, the child resides in the county where the guardian or custodian resides if that person resides in this state; or

(7) if it appears that the child is not under the actual care, control, and possession of an adult, the child resides where the child is found.

(2) On page 11, between lines 16 and 17, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Chapter 105, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 105.008 to read as follows:

Sec. 105.008. RECORD OF TESTIMONY. Notwithstanding other law, if a party to a suit affecting the parent-child relationship fails to attend a proceeding in the suit and all of the attending parties waive their right to have a record made of testimony in the proceeding, the court may waive the making of a record.

(3) On page 49, between lines 14 and 15, insert the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 160.204, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

Sec. 160.204. NOTICE AFTER WAIVER OF SERVICE. (a) If the respondent does not answer or appear after signing a waiver of service of process as authorized by this subchapter, notice of the proceedings shall be given to the respondent by first class mail sent to the address supplied in the waiver. The waiver shall be valid in a suit filed on or before the first anniversary of the date of signing.

(b) This section does not invalidate a waiver of process in a suit to terminate the parent-child relationship contained in an affidavit of relinquishment of parental rights executed by a man who has previously signed a statement of paternity under this chapter.

(4) On page 54, between lines 8 and 9, insert the following appropriately numbered sections:

SECTION \_\_\_\_\_. Section 161.105(a), Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended to read as follows:

(a) If the child has no presumed father, an affidavit shall be:

(1) signed by:

(A) the mother, whether or not a minor; or

(B) if the child's mother cannot be located, a relative of the child who has knowledge of the information required by Subsection (b);

(2) witnessed by two credible persons; and

(3) verified before a person authorized to take oaths.

SECTION \_\_\_\_\_. Section 161.106, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Subsection (f) to read as follows:

(f) The affidavit may contain a statement that the waiver of interest is revocable, irrevocable, or revocable for a stated time.

(5) Renumber the sections of the bill accordingly.

Amendment No. 12 was withdrawn.

### **Amendment No. 13**

Representative Thompson offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 9, strike lines 1 through 3, and substitute the following:

"SECTION 10. Section 105.006, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by amending Subsections (b) and (e) and adding Subsection (g) to read as follows:

"

(2) On page 10, between lines 8 and 9, insert the following:

"(g) Notwithstanding another provision of this section, a court in a county with a population of 2.8 million or more shall order each party to inform the clerk of the court of a change in information required by this section in the manner provided by Subsection (b). The order required by Subsection (e) shall reflect the notification requirement of this subsection."

Amendment No. 13 was adopted without objection.

### **Amendment No. 14**

Representative Brady offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Section 107.002, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Subsection (e) to read as follows:

(e) A court is not required under this section to appoint an attorney ad litem in a proceeding in which:

(1) a suit for the dissolution of a marriage is uncontested; or

(2) the issues of possession of and access to a child are agreed to by both parents.

(2) Add the following appropriately numbered section:

SECTION \_\_\_\_\_. Chapter 107, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 107.006 to read as follows:

Sec. 107.006. GUARDIAN AD LITEM AND ATTORNEY AD LITEM POOL; QUALIFICATIONS. (a) The local administrative district judge in each county in the Department of Protective and Regulatory Services region for child protective services that contains Harris County shall establish and a local administrative district judge in any other county may establish a pool from which guardians ad litem and attorneys ad litem are appointed for proceedings in the district courts of the county. To be eligible for the pool established under this subsection, a person must:

(1) complete training provided by the State Bar of Texas in family law and the responsibilities of ad litem;

(2) complete as part of the person's annual continuing legal education requirement not fewer than three hours in family law issues; and

(3) meet other requirements established by the local administrative district judge.

(b) Before appointment as a guardian ad litem or an attorney ad litem, the person must have read, acknowledged by signing, and filed with the local administrative judge a written statement prepared by the local administrative district judge that lists the responsibilities of an ad litem, some or all of which may be appropriate to the person's specific case. The court shall retain a copy of the acknowledgment for two years. To continue to receive appointments under this section, the person must execute a new statement at least every two years.

(c) A party to a proceeding in which a person is appointed as a guardian ad litem or an attorney ad litem may object to appointment of the person at any time before the date of the trial of the proceeding. A party may object under this subsection on the grounds that the party believes that the person appointed lacks objectivity or is failing to fulfill the person's responsibilities as an ad litem as outlined in the written statement of ad litem responsibilities.

(d) A person appointed as a guardian ad litem or attorney ad litem shall complete and submit to the court a voucher or claim for payment that includes the fees charged and hours worked by the ad litem. Information submitted under this section is subject to disclosure under Chapter 552, Government Code.

(e) The Bureau of Vital Statistics may compile information submitted under Subsection (d) for a county that maintains that information on an electronic database. On the request of the bureau, the county shall provide the information. Information compiled by the bureau under this section shall be made available to the Department of Protective and Regulatory Services.

(3) Renumber the sections of the bill accordingly.

Amendment No. 14 was withdrawn.

**Amendment No. 15**

Representative Brady offered the following amendment to **CSHB 433**:

Amend **CSHB 433** as follows:

(1) On page 26, between lines 4 and 5, insert the following appropriately numbered section:

SECTION . Subchapter A, Chapter 153, Family Code, as added by House Bill 655, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 153.0071 to read as follows:

Sec. 153.0071. ALTERNATE DISPUTE RESOLUTION PROCEDURES. (a) On written agreement of the parties, the court may refer a suit affecting the parent-child relationship to arbitration. The agreement must state whether the arbitration is binding or non-binding.

(b) If the parties agree to binding arbitration, the court shall render an order reflecting the arbitrator's award unless the court determines at a non-jury hearing that the award is not in the best interest of the child. The burden of proof at a hearing under this subsection is on the party seeking to avoid rendition of an order based on the arbitrator's award.

(c) On the written agreement of the parties or on the court's own motion, the court may refer a suit affecting the parent-child relationship to mediation.

(d) A mediated settlement agreement is binding on the parties if the agreement:

(1) provides in a separate paragraph an underlined statement that the agreement is not subject to revocation;

(2) is signed by each party to the agreement; and

(3) is signed by the party's attorney, if any, who is present at the time the agreement is signed.

(e) If a mediated settlement agreement meets the requirements of Subsection (d), a party is entitled to judgment on the mediated settlement agreement notwithstanding Rule 11 of the Texas Rules of Civil Procedure or another rule of law.

(f) The procedures and remedies provided by this section apply to an action brought under Title 1.

(2) Renumber the subsequent sections of the bill accordingly.

Amendment No. 15 was adopted without objection.

**CSHB 433**, as amended, was passed to engrossment.

**HB 712 ON SECOND READING**

The chair laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 712**.

**CSHB 712**, A bill to be entitled An Act relating to the offense of passing a school bus.

**CSHB 712** was read second time and was passed to engrossment.

**HB 2766 ON THIRD READING**

The chair laid before the house, as postponed business, on its third reading and final passage,

**HB 2766**, A bill to be entitled An Act relating to providing fairness and choice to patient and providers under managed care health benefit plans; providing penalties.

The bill was read third time earlier today and was postponed until this time.

(Speaker in the chair)

**Amendment No. 1**

Representative Smithee offered the following amendment to the bill:

Amend **HB 2766** on third reading as follows:

(1) In Article 21.109, Insurance Code, add a new Subsection (n) to read as follows:

(n) A managed care plan may charge to a provider, other than a physician or dentist:

(1) a reasonable application fee to cover the cost of processing applications and informing the provider of selection or non-selection under the plan;

(2) a reasonable credentialing fee to cover the cost of the credentialing process; and

(3) a reasonable fee for providing to a provider a copy of credentialing standards, identified criteria for selection, and economic profiles requested by the provider.

(2) In new Article 21.09, Insurance Code, strike Subsection (c) and substitute the following:

(c) Each physician or dentist under consideration for inclusion in a managed care plan shall be reviewed by a credentialing committee composed of network participating physicians or dentists. Other providers may be credentialed as appropriate as determined by the plan. When a provider, other than a physician or dentist, is credentialed by the plan, the credentialing committee shall include providers with the same license.

(3) In new Article 21.09(i), Insurance Code, in the second sentence, strike the portion of the sentence following "a plan advisory panel" and substitute ". For a physician or a dentist, the plan advisory panel must include the physician's or dentist's peers. If the review involves another type of participating provider, the plan advisory panel must include providers with the same license.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Smithee offered the following amendment to the bill:

Amend **HB 2766** on third reading in new Article 21.106, Insurance Code, in the first sentence, as follows:

(1) strike "a prospective enrollee" and substitute "an enrollee".

(2) strike "the prospective enrollee" and substitute "the enrollee".

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Smithee offered the following amendment to the bill:

Amend the substitute for **HB 2766** by adding a Subsection (6) to Section 1 and renumbering the subsequent Subsections accordingly. Subsection (6) should read as follows:

(6) "Managed care plan" as defined in subsection (5) above does not include a "group model health organization" that is a state-certified health maintenance organization that provides the majority of its professional services through a single group medical practice that is formally affiliated with the medical school component of a Texas, state-supported, public college or university, and received its certification as a health maintenance organization prior to November 1, 1981.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Smithee offered the following amendment to the bill:

Amend **CSHB 2766** as follows:

On page 2, line 25, under subsection (5) add the following:

"(E) The term "managed care plan" or "plan" does not include accident-only, specified disease, individual hospital indemnity, credit dental-only, vision only, Medicare supplement, long-term care, or disability income insurance, coverage issued as a supplement liability insurance, CHAMPUS, workers compensation or similar insurance or automobile payment insurance."

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative Smithee offered the following amendment to the bill:

Amend **HB 2766** page 2, line 10 by inserting the following between "code," and "or"

an approved nonprofit health corporation that holds a certificate of authority under Chapter 21.52F of Vernon's Texas Insurance Code,

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

On behalf of Representative Ogden, Representative Smithee offered the following amendment to the bill:

Amend **HB 2766** on third reading by striking new Article 21.103, Insurance Code, and substituting the following:

Art. 21.103. APPLICABILITY. This subchapter does not apply to:

(1) a managed care plan that provides for dental care benefits under a health insurance policy;

(2) a Medicare Select policy or certificate;

(3) a managed care plan that provides for financing and delivery of health care services to persons under a Medicare supplement policy or certificate that includes restricted network provisions; or

(4) a managed care plan for inmates operated under a contract entered into under Section 501.059(j), Government Code, as added by Chapter 238, Acts of the 73rd Legislature, 1993.

Amendment No. 6 was adopted without objection.

**HB 2766**, as amended, was passed.

#### **CSHJR 107 ON SECOND READING**

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HJR 107**.

**CSHJR 107**, A joint resolution proposing a constitutional amendment relating to the exemption from ad valorem taxation by certain taxing units of certain tangible personal property held at a location for not more than a specified period.

**CSHJR 107** was read second time earlier today and was postponed until this time.

Representative Rusling moved to postpone consideration of **CSHJR 107** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

#### **CSHB 2608 ON SECOND READING**

The speaker laid before the house, as postponed business, on its second reading and passage to engrossment, the complete committee substitute for **HB 2608**.

**CSHB 2608**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain tangible personal property held at a location for not more than a specified period.

**CSHB 2608** was read second time earlier today and was postponed until this time.

Representative Rusling moved to postpone consideration of **CSHB 2608** until 10 a.m. Thursday, May 11.

The motion prevailed without objection.

(Gallego now present)

#### **HB 1484 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1484**.

**CSHB 1484**, A bill to be entitled An Act relating to authority of an electric cooperative corporation to form and participate in a joint powers agency with a public entity.

**CSHB 1484** was read second time.

Representative Moffat raised a point of order against further consideration of **CSHB 1484** on the grounds that **CSHB 1484** violates Rule 8, Section 10(b), of the House Rules.

The speaker sustained the point of order.



**HB 1485 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1485**.

**CSHB 1485**, A bill to be entitled An Act relating to entities to which an electric cooperative corporation may provide electric energy.

**CSHB 1485** was read second time.

Representative Moffat raised a point of order against further consideration of **CSHB 1485** on the grounds that **CSHB 1485** violates Rule 8, Section 10(b), of the House Rules.

The speaker sustained the point of order.

**HB 1180 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1180**.

**CSHB 1180**, A bill to be entitled An Act relating to providing employment services and other information to persons formerly confined in the institutional division or the state jail division of the Texas Department of Criminal Justice.

**CSHB 1180** was read second time and was passed to engrossment.

**SIGNED BY THE SPEAKER**

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolution:

**HCR 188****HB 1817 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1817**, A bill to be entitled An Act relating to the retrieval of personal property after the entry of certain temporary orders in a suit for divorce.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Van de Putte, Representative Dutton offered the following committee amendment to the bill:

Amend **HB 1817** by adding subsection (h) as follows: "For purposes of this section, property is defined as personal effects."

Amendment No. 1 was adopted without objection.

**HB 1817**, as amended, was passed to engrossment.

**HB 1395 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1395**.

**CSHB 1395**, A bill to be entitled An Act relating to the dismissal of prosecutions of certain misdemeanor traffic offenses punishable by fine only.

**CSHB 1395** was read second time.

**Amendment No. 1**

Representative Solomons offered the following amendment to **CSHB 1395**:

Amend **CSHB 1395** by adding the following sections to be numbered appropriately:

SECTION \_\_\_\_\_. Section 7(b), Chapter 3, Acts of the 43rd Legislature, 2nd Called Session, 1934 (Article 6675a-3e, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) A justice of the peace or municipal court judge who has jurisdiction of the offense, at his discretion, may dismiss the charge of driving with an expired motor vehicle registration if the defendant remedies this defect before the date set for the defendant's first appearance, which shall not be less than [within] 10 working days, and establishes that the additional charge under Section 3a, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-3a, Vernon's Texas Civil Statutes), has been paid. Additionally, the judge, at his discretion, may assess an administrative fee not to exceed \$10 when the charge of driving with an expired motor vehicle registration has been remedied.

SECTION \_\_\_\_\_. Section 2(b), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) A judge, at his discretion, may dismiss the charge of driving with an expired driver's license if the defendant remedies this defect before the date set for the defendant's first appearance, which shall not be less than [within] 10 working days. Additionally, the judge, at his discretion, may assess an administrative fee not to exceed \$10 when the charge of driving with an expired driver's license has been remedied.

SECTION \_\_\_\_\_. Section 108, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) A justice of the peace or municipal court judge who has jurisdiction of the offense may dismiss a charge under Subsection (a-1) or (a-2) of this section if the defendant remedies this defect before the date set for the defendant's first appearance, which shall not be less than 10 working days. Additionally, the court may assess an administrative fee not to exceed \$10 when the charge has been remedied.

SECTION \_\_\_\_\_. Section 140(g), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(g) Any person operating a motor vehicle on the highways of this State, other than a vehicle licensed in another State and being temporarily and legally operated under a valid reciprocity agreement, in violation of the provisions of this Act or any rule adopted under this Act or without displaying a valid inspection certificate or having equipment which does not comply with the provisions of Article XIV of this Act is guilty of a misdemeanor and on

conviction shall be punished as provided in Section 143 of this Act. A judge, at his discretion, may dismiss the charge of driving with an expired vehicle inspection certificate if the defendant remedies this defect before the date set for the defendant's first appearance, which shall not be less than [within] 10 working days. Additionally, the judge, at his discretion, may assess an administrative fee not to exceed \$10 when the charge of driving with an expired vehicle inspection certificate has been remedied.

SECTION \_\_\_\_\_. Sections 143A(a-3) and (c), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

(a-3) A request to take a driving safety course shall constitute an appearance in compliance with such person's written promise to appear in court, as provided in Section 148 of this Act, if the person's request is made on or before the time and place when and where such person shall appear in court. If the person fails to furnish evidence of the successful completion of the driving safety course to the court, the court shall notify the person who made the request, in writing, mailed to the address appearing on the citation, of the person's failure to furnish such evidence to the court, and require the person to appear at the time and place stated in the notice to show cause why the evidence of the successful completion of the driving safety course was not timely submitted to the court. In the event the person fails to appear and show cause, the court shall impose final judgment on the person's plea of No Contest or Guilty ~~[Failure to appear at the time and place stated in the notice shall constitute an offense which shall be punishable in the same manner as provided in Section 149 of this Act]~~; provided, however, the court may, upon a showing of good cause for failure to furnish such evidence to the court made by the person so charged, allow an extension of time during which the person shall present a uniform certificate of course completion as evidence that the person has successfully completed the driving safety course.

(c) The court may require the person requesting a driving safety course to pay a fee set by the court at an amount that does not exceed 10 including any special fees authorized by statute or municipal ordinance to cover the cost of administering this section. Fees collected under this subsection by a municipal court shall be deposited in the municipal treasury. Fees collected by other courts shall be deposited in the county treasury of the county in which the court is located. If the person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee required by this subsection.

SECTION \_\_\_\_\_. The change in law made by this Act applies only to an offense committed on or after that date. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was adopted without objection.

**CSHB 1395**, as amended, was passed to engrossment.

**HB 1681 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1681**, A bill to be entitled An Act relating to the lease and sale of certain land by the Texas Low-Level Radioactive Waste Disposal Authority.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Kuempel, Representative Gallego offered the following committee amendment to the bill:

Amend **HB 1681** on page 1, line 12, between "site" and the period, by inserting "and may not be used for a facility that stores, processes, or disposes of waste, other than a facility owned and operated by a unit of local government".

Amendment No. 1 was adopted without objection.

**HB 1681**, as amended, was passed to engrossment.

**HB 2925 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2925**, A bill to be entitled An Act relating to the sale or transfer of Water Supply or Sewer Service Corporation stock, membership or other right of participation of the person or entity to whom the membership is transferred.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative R. Lewis, Representative Cook offered the following committee amendment to the bill:

Amend **HB 2925** as follows:

(1) On page 2, line 6, strike "[;]" after "conditions of service" and add: ". All transfer and service applications shall be completed on the corporation's standardized forms, and filed with the corporation's office in a timely manner.".

(2) On page 2, line 6, strike "but" and substitute "However".

(3) On page 3, line 12, add the following after "conditions of service": "The corporation may require proof of ownership resulting from such foreclosure.".

Amendment No. 1 was adopted without objection.

**HB 2925**, as amended, was passed to engrossment.

**HB 1836 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1836**, A bill to be entitled An Act relating to the tuition charged to certain residents of bordering states at certain two-year public institutions of higher education.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Gallego, Representative R. Lewis offered the following committee amendment to the bill:

Amend **HB 1836** on page 3, between lines 1 and 2, by inserting the following:

(g) If legislation enacted by the 74th Legislature, Regular Session, 1995, transferring the governance of a two-year institution in the Lamar University System to another board of regents becomes law, the institution is considered to be an institution in the Lamar University System for purposes of this section notwithstanding the transfer of governance. If no legislation enacted by the 74th Legislature, Regular Session, 1995, transferring the governance of a two-year institution in the Lamar University System to another board of regents becomes law, this subsection expires January 1, 1996.

Amendment No. 1 was adopted without objection.

**HB 1836**, as amended, was passed to engrossment.

**HB 2031 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2031**, A bill to be entitled An Act relating to a Buffalo Soldier Heritage pilot program for at-risk youth.

The bill was read second time and was passed to engrossment.

**HB 2389 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 2389**, A bill to be entitled An Act relating to the lawful operation of a motor vehicle by certain chemically dependent persons and persons who are adjudged to be mentally incompetent.

The bill was read second time.

**Amendment No. 1**

Representative Hilbert offered the following amendment to the bill:

Amend **HB 2389** as follows:

- (1) On page 1, line 13, strike "and" and insert "or".
- (2) On page 1, line 17, after the word "who" and before the word "mentally", strike the word "is" and insert the words "has been adjudged".
- (3) On page 2, line 20, after the word "superintendent" insert the words "or administrator".

(4) On page 2, line 24, insert a new subsection (e) as follows:

(e) Before the tenth day after the action, the department shall be notified by:

(1) the clerk of the appropriate court that:

(A) the incompetent person has been restored to competency by judicial decree; or

(B) that the order of involuntary treatment has expired or has been terminated under Section 462.080(d), Health and Safety Code; or

(2) by the superintendent or administrator of the hospital that the person has been released from the hospital on a certificate.

(5) On page 2, line 24, strike "(e)" and substitute "(f)"

Amendment No. 1 was adopted without objection.

**HB 2389**, as amended, was passed to engrossment.

(Junell now present)

### **HB 2464 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2464**.

**CSHB 2464**, A bill to be entitled An Act relating to the provision at certain retail establishments of security measures and devices to protect employees and customers.

**CSHB 2464** was read second time.

#### **Amendment No. 1**

Representative Junell offered the following amendment to **CSHB 2464**:

Amend **CSHB 2464** as follows:

On page 7, line 9, insert new subsections (c) and (d) to Sec. 96.006:

(c) No portion of this chapter shall be mentioned, alluded to, referenced or used in any manner by any party or witness in a court of law where the defendant or any party who might be liable to another in tort or contract is not asserting a defense based on this chapter.

(d) Nothing in this chapter shall be construed to impose an obligation on a property owner or operator to adopt certain measures of security or to adhere to certain standards relating to security.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Junell offered the following amendment to **CSHB 2464**:

Amend **CSHB 2464** as follows:

On page 1, line 17, delete "and"

On page 1, line 18, add, after "restaurant", "; and"

On page 1, line 19, insert a new subsection (C) to the definition of "Convenience store" contained in Sec. 96.001 (1):

(C) contains less than 6,000 square feet of leasable area for retail purposes.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Brady offered the following amendment to **CSHB 2464**:

Amend **CSHB 2464** on pages 2 and 5 of the bill as follows:

On page 2, line 10, add to Section 96.001(5), a new subsection (c) to read as follows:

(c) A mall contained within a special improvement district created by chapter 289, Acts of The 73rd Legislature, Regular Session, 1993 is also considered a multi level shopping mall for the purposes of this Act

On page 5, line 9, insert after the word "circumstances" the following:

"affecting the health, safety or welfare of tenants, invitees and customers"

Amendment No. 3 was adopted without objection.

### **Amendment No. 4**

Representative Eiland offered the following amendment to **CSHB 2464**:

Amend **CSHB 2464** as follows:

Page 2, line 18, strike the words "one hour" and replace with the words "two hours".

Amendment No. 4 was adopted without objection.

**CSHB 2464**, as amended, was passed to engrossment.

(Ogden now present)

### **HB 2479 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2479**.

**CSHB 2479**, A bill to be entitled An Act relating to the consolidation of herbicide, pesticide, and agricultural workplace chemical laws under the jurisdiction of the Department of Agriculture.

**CSHB 2479** was read second time.

Representative Alonzo raised a point of order against further consideration of **CSHB 2479** on the grounds that **CSHB 2479** violates Rule 4, Section 32(c)(4), of the House Rules.

The speaker sustained the point of order.

### **HB 2522 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 2522**.

**CSHB 2522**, A bill to be entitled An Act relating to participation in benefits from the Employees Retirement System of Texas for certain law enforcement and custodial officers.

**CSHB 2522** was read second time and was passed to engrossment.

**HB 1362 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1362**.

**CSHB 1362**, A bill to be entitled An Act relating to certain health care liability claims for which the state provides indemnification.

**CSHB 1362** was read second time.

**Amendment No. 1**

Representative McDonald offered the following amendment to **CSHB 1362**:

Amend **CSHB 1362** on page 1, between lines 7 and 8, by inserting a new SECTION 2 to read as follows and renumbering the subsequent section of the bill accordingly:

SECTION 2. The change in law made by the repeal of Chapter 110, Civil Practice and Remedies Code, by this Act does not apply to a claim eligible for payment under that chapter and filed with the attorney general in accordance with that chapter before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative McDonald offered the following amendment to **CSHB 1362**:

Amend **CSHB 1362** on page 1, between lines 7 and 8, by inserting a new SECTION 2 to read as follows and renumbering the subsequent section of the bill accordingly:

SECTION 2. The change in law made by the repeal of Chapter 110, Civil Practice and Remedies Code, by this Act does not apply to a claim eligible for payment under that chapter and filed with the attorney general in accordance with that chapter before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 2 was withdrawn.

**CSHB 1362**, as amended, was passed to engrossment.

**HB 1390 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1390**, A bill to be entitled An Act relating to requiring a quail stamp for hunting quail; providing a penalty.

The bill was read second time.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative B. Turner, Representative Saunders offered the following committee amendment to the bill:



Amend **HB 1390**, Section 1, as follows:

SECTION 1. Delete subsection (c) of Sec. 43.608, Parks and Wildlife Code.

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative B. Turner, Representative Saunders offered the following committee amendment to the bill:

Amend **HB 1390** in Section 1 of the bill, in proposed Section 43.607, Parks and Wildlife Code, by striking proposed subsection (c) (Introduced version, page 3, lines 9-12) and substituting the following:

(c) Money in the account may be spent only for:

(1) research, management, protection of quail, and development of quail habitat on public land in the state;

(2) development of private land for quail habitat in the state, with landowner consent and public access to the land.

Amendment No. 2 was adopted without objection.

**Amendment No. 3 (Committee Amendment No. 3)**

On behalf of Representative B. Turner, Representative Saunders offered the following committee amendment to the bill:

Amend **HB 1390**, Section 1, as follows:

On page 1, line 16, strike "(b) or (c)" and substitute "(b), (c), (d) or (e)".

On page 1, between lines 18 and 19, insert new Subsections (b) and (c), as follows, and renumber the subsequent sections accordingly:

(b) A person younger than 17 years of age is not required to have a quail stamp.

(c) A person is not required to have a quail stamp if the person is hunting quail in the county of the person's residence.

Amendment No. 3 was adopted without objection.

**HB 1390**, as amended, was passed to engrossment. (Allen, Averitt, Bailey, Black, Bosse, Carter, Chisum, Combs, Cook, Counts, Danburg, Elkins, Finnell, Gallego, Heflin, Horn, Howard, B. Hunter, Jackson, Junell, Kamel, King, Kubiak, R. Lewis, Longoria, Ogden, Rabuck, Rhodes, Swinford, Talton, Telford, Thompson, Tillery, Uher, Walker, and Yost recorded voting no; De La Garza, yes)

(Hochberg now present)

**HB 354 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 354**.

**CSHB 354**, A bill to be entitled An Act relating to insurance for a charitable organization.

**CSHB 354** was read second time.

**Amendment No. 1**

Representative Danburg offered the following amendment to **CSHB 354**:

Amend **HB 354** by inserting the following appropriately numbered section of the bill and renumber the remaining sections of the bill appropriately:

SECTION 1. Article 5.01, Insurance Code, is amended by adding Subsection (g) to read as follows:

(g) The commissioner may establish by rule a classification of risk applicable to motor vehicles used for limited purposes by nonprofit organizations. If a classification of risk is established under this subsection, the commissioner shall adopt rules to classify risks and define the limited uses permissible for motor vehicles insured under the classification. The commissioner may not adopt rules under this subsection that result in insurance premium rates for nonprofit organizations exceeding the insurance premium rates of other analogous classifications of risk applicable to motor vehicles used by entities other than nonprofit organizations. In this subsection, "nonprofit organization" means any organization exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986 by being listed as an exempt organization in Section 501(c)(3) or (c)(4) of that code.

Amendment No. 1 was adopted without objection.

**CSHB 354**, as amended, was passed to engrossment.

**HB 299 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 299**.

**CSHB 299**, A bill to be entitled An Act relating to violations of rules or statutes applicable to personal care facilities.

**CSHB 299** was read second time.

(Delisi now present)

**Amendment No. 1**

Representative Hochberg offered the following amendment to **CSHB 299**:

Amend **CSHB 299** as follows:

(1) On page 4, line 23, after the word "person", strike "who violates this chapter or a rule adopted under this chapter, including a person who violates Section 247.021," and substitute "for a violation of Section 247.021 or, when the department determines there is a substantial threat to the health and safety of a resident of a personal care facility, for a violation of a provision of this chapter or rule adopted under this chapter which relates to:

- (1) abuse, neglect, or exploitation of a resident;
- (2) control and administration of medication;
- (3) food storage and preparation;
- (4) dietary or nutritional standards and requirements;
- (5) sanitation, cleanliness, and infection control; or
- (6) facility construction, security, and fire safety."

Amendment No. 1 was adopted without objection. (The vote was reconsidered on Thursday, May 11, and Amendment No. 1 was withdrawn.)

**Amendment No. 2**

Representative Yarbrough offered the following amendment to **CSHB 299**:

Amend **CSHB 299** as follows:

(1) On page 1, strike lines 14-19 and substitute the following:

(4) "Personal care facility" means an establishment, including a board and care home, that[~~:-~~

~~[(A) furnishes], in one or more facilities, furnishes food and shelter and provides personal care services to;~~

~~(A) four or more persons who are unrelated to the proprietor of the establishment; or [and]~~

~~(B) one or more persons who are unrelated to the proprietor of the establishment if the proprietor receives reimbursement from the state Medicaid program for the care of one or more of those persons [provides personal care services].~~

(2) On page 9, between lines 1 and 2, insert the following:

(d) A person who is required to obtain a license under Chapter 247, Health and Safety Code, as amended by this Act, but who was not required to obtain a license under that chapter as it existed immediately before the effective date of this Act, is not required to obtain a license under that chapter until January 1, 1996.

Amendment No. 2 was adopted without objection.

Representative Wilson moved to table **CSHB 299**.

The motion to table was lost.

**CSHB 299**, as amended, failed to pass to engrossment. (The vote was reconsidered on Thursday, May 11, and **CSHB 299**, as amended, passed to engrossment.)

**HB 613 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 613**.

**CSHB 613**, A bill to be entitled An Act relating to the composition and functions of the Commission on Fire Protection.

**CSHB 613** was read second time.

**Amendment No. 1**

Representative Yarbrough offered the following amendment to **CSHB 613**:

Amend **CSHB 613** by replacing Section 3 in lieu thereof to read as follows:

SECTION 3. Section 417.0041(b), Government Code, is amended to read as follows:

Each council periodically shall review commission rules implementing the article under which the council was established and recommend changes in the rules to the commission. Notwithstanding Section 5(f), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), the commission shall submit all changes and additions to rules that implement the article under which an advisory council was established to that council for development. During the first meeting at which the commission

considers any committee recommendations developed under Article 5.43.1, 5.43.2, and 5.43.3, Insurance Code, the commission may adopt, reject, or take no action on the recommendations of the committee. At the subsequent meeting, the commission may adopt, modify and adopt, or reject the recommendations made by the committee. If the commission rejects does not approve a rule developed by the council under 5.43-4, Insurance Code, the commission shall indicate to the council the reasons that the commission rejected did not approve the rule and return the rule to the council for further development. Notwithstanding the provisions of Article 5.43-4, Insurance Code, the commission may adopt, upon recommendations of the council, regulations limiting and governing the storage of fireworks classified as 1.4G in the unincorporated areas of the county.

Amendment No. 1 was adopted without objection.

**CSHB 613**, as amended, was passed to engrossment.

### **HB 614 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 614**, A bill to be entitled An Act relating to the eligibility of a defendant for placement in the state boot camp program.

The bill was read second time.

#### **Amendment No. 1**

Representative Uher offered the following amendment to the bill:

Amend **HB 614**, on page 1, by striking lines 11-15 and substituting the following:

"from the date the execution of the sentence begins [~~on which the convicted person is received into custody by the institutional division~~]. After the expiration of 75 days but prior to the expiration of 90 days from the date the execution of the sentence begins [~~on which the convicted person is received into custody by the institutional division~~], the judge of the court that imposed the sentence may".

Amendment No. 1 was adopted without objection.

**HB 614**, as amended, was passed to engrossment.

### **HB 1379 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1379**.

**CSHB 1379**, A bill to be entitled An Act relating to the registration, release, and supervision of sex offenders.

**CSHB 1379** was read second time.

#### **Amendment No. 1**

Representative Greenberg offered the following amendment to **CSHB 1379**:

Amend **CSHB 1379** as follows:

(1) On page 6, lines 8-13, in the first sentence of proposed Section 4(a), Article 6252-13c.1, Revised Statutes, strike all of the underlined language and underlined punctuation.

(2) On page 7, strike lines 21-26 and substitute the following:

(a) A person who releases the numeric street address, driver's license number, telephone number, or social security number of a person subject to [information required for] registration under this article, in order to identify the person as a person who is subject to registration as a sex offender, to a person other than a full-time, fully paid, employed law enforcement officer or criminal justice official commits an offense.

Amendment No. 1 was adopted without objection.

**CSHB 1379**, as amended, was passed to engrossment.

### **HB 1420 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1420**, A bill to be entitled An Act relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

The bill was read second time and was passed to engrossment.

### **HB 1511 ON SECOND READING**

The speaker laid before the house, on its second reading and passage to engrossment,

**HB 1511**, A bill to be entitled An Act relating to maximum liability under underinsured motorist insurance coverage.

The bill was read second time.

### **Amendment No. 1**

Representative Bosse offered the following amendment to the bill:

Amend **HB 1511** as follows:

After SECTION 2 of the bill add a new SECTION 3 to the bill to read as follows and renumber the remaining SECTION accordingly:

"SECTION 3. Section (5), Article 5.06-1, Insurance Code, is amended by adding new Section (8) to read as follows:

(8) On or before December 31, 1995, the Commissioner shall hold a hearing for the purpose of determining the impact on rate reduction resulting from the passage of this act. After such hearing, the Commissioner shall order a reduction if appropriate in underinsured motorist coverage rates for each insurance company operating in the state. If the Commissioner has not issued an order in accordance with this section by March 1, 1996, or the order has not become final because of judicial intervention or any other reason, such rates for underinsured motorist coverage shall be reduced 10 percent below the rates in effect on April 1, 1995. If an insurance company can show that such a rate

reduction is confiscatory, that company's underinsured motorist coverage rate shall be reduced by an amount that is not confiscatory."

Amendment No. 1 was adopted without objection.

**HB 1511**, as amended, was passed to engrossment.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Environmental Regulation, on adjournment today, Desk 98, to consider senate bills.

Criminal Jurisprudence, on adjournment today, Desk 48.

Juvenile Justice and Family Issues, on adjournment today, E2.016, Capital Extension.

Civil Practices, on adjournment today.

Land and Resource Management, on adjournment today, Desk 1.

County Affairs, on adjournment today, Desk 4.

### **HR 792 - ADOPTED**

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 792**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Conley,

**HR 792**, Paying tribute to the life of Paul Pytel of the San Antonio Park Rangers.

The resolution was unanimously adopted by a rising vote.

### **HR 886 - ADOPTED**

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 886**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Staples,

**HR 886**, Recognizing May 17, 1995, as Robertson County Peace Officer Memorial Ceremony Day.

The resolution was adopted without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, on adjournment today, Desk 121.

## ADJOURNMENT

Representative Hilbert moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 8:01 p.m., adjourned until 10 a.m. tomorrow.

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Appropriations - **HB 982**

Civil Practices - **HB 832, HB 2677, SB 122**

Corrections - **SCR 17**

County Affairs - **SB 707**

Criminal Jurisprudence - **HB 1866, HB 3044, SB 141**

Energy Resources - **SB 1347, SB 1551, SB 1628**

Higher Education - **SB 1491**

Human Services - **SB 1336**

Insurance - **SB 1026, SB 1150**

Judicial Affairs - **SB 80, SB 264, SB 1622**

Juvenile Justice and Family Issues - **SB 49, SB 161, SB 169, SB 283, SB 291, SB 622**

Land and Resource Management - **SB 1679**

Pensions and Investments - **SB 1231**

Public Safety - **SB 118, SB 645, SB 813, SB 1504, HCR 166**

State Affairs - **HB 2646, HB 2671, SB 988, SB 1158, SB 1453**

Transportation - **SB 3, SB 532**

Urban Affairs - **SB 1198, SB 1671**

### ENGROSSED

May 9 - **HB 145, HB 170, HB 179, HB 334, HB 341, HB 375, HB 581, HB 690, HB 819, HB 871, HB 925, HB 1189, HB 1274, HB 1388, HB 1399, HB 1454, HB 1510, HB 1574, HB 1619, HB 1744, HB 1805, HB 1809, HB 1846, HB 1875, HB 1922, HB 1924, HB 1930, HB 1976, HB 2023, HB 2034, HB 2035, HB 2039, HB 2042, HB 2129, HB 2152, HB 2275, HB 2304, HB 2307, HB 2432, HB 2492, HB 2518, HB 2520, HB 2656,**

**HB 2662, HB 2803, HB 2861, HB 2893, HB 2926, HB 2949, HB 2951,  
HB 2952, HB 2987, HB 3073, HB 3082, HB 3121, HB 3185, HB 3197,  
HB 3198, HB 3203, HB 3214, HB 3225, HB 3227, HCR 107, HCR 188**

**ENROLLED**

May 9 - **HB 356, HB 596, HB 1155, HB 1493, HB 1743, HCR 81,  
HCR 160**

**SENT TO THE GOVERNOR**

May 9 - **HCR 96, HCR 97**